

THE GOVERNMENTS OF MODERN EUROPE

THE GOVERNMENT OF SWITZERLAND

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Switzerland*

THE GOVERNMENT OF THE FRENCH REPUBLIC

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THE FASCIST GOVERNMENT OF ITALY

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THE NAZI GOVERNMENT OF GERMANY

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THE GOVERNMENT OF THE SOVIET UNION

BY SAMUEL N. HARPER

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SOURCE BOOK ON EUROPEAN GOVERNMENTS

COMPUTERISED

SWITZERLAND
FRANCE ✧ ITALY ✧ GERMANY
THE SOVIET UNION

WILLIAM E. RAPPARD WALTER R. SHARP
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PREFACE

The purpose of this source book should be sufficiently obvious. Kaleidoscopic changes in European political patterns during the past two decades have rendered it more essential than ever for American teachers and students to have direct access to some of the major source materials which serve to illustrate the processes of change and to vivify the newer ideologies. At the same time, the task of selection and translation has become increasingly difficult for any single editor to undertake, what with a range of materials covering such divergent regimes as democratic Switzerland and France, Fascist Italy and Nazi Germany, and the Soviet Union. The construction of a volume such as this, therefore, gains something if the editor responsible for each country has a specialist's knowledge of the institutions of that country.

In determining the content of his section, each contributor was left free to select such documents as his special knowledge and the available space suggested. It did not seem feasible to attempt to set up any standardized plan of presentation because of the inherently different situation with which each editor had to deal. In general, however, it was considered desirable to supplement documents of a strictly constitutional, statutory, administrative, or otherwise official character with certain non-legal materials illustrating party programs, party organization, the conduct of policy, and the political ideas of outstanding leaders. Such materials often yield fuller insight into the political process than can be gained from any number of legal texts alone.

The sequence in which the five sections are printed may require a word of explanation. The two democracies are presented first because of their obvious similarity with familiar American practice. Then come the two fascist dictatorships which, while their political set-up diverges sharply from con-

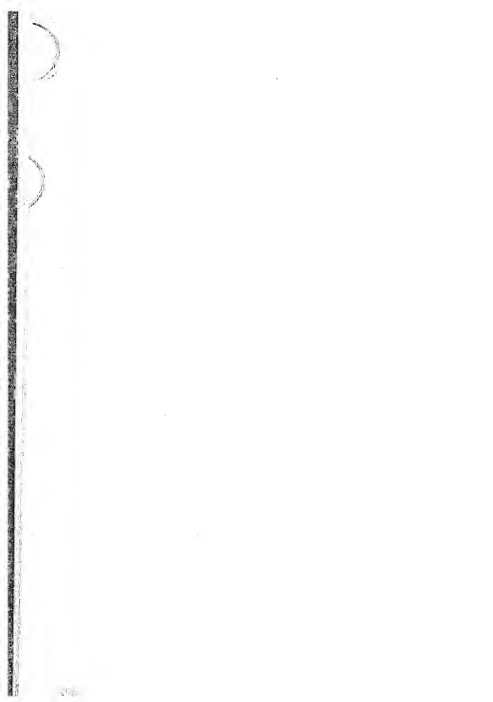
stitutional democracy, still rest essentially upon capitalistic foundations, even though it be state-regimented capitalism. Finally, the Soviet Union which, under its new Constitution of 1936, has set up what is called a socialist state, is still under "proletarian dictatorship" but with the promise of the development of a new Soviet type of democracy.

January 15, 1937

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GENERAL CONTENTS

SECTION	PAGES
I. DOCUMENTS ON THE GOVERNMENT OF SWITZERLAND	I-1 to 122
II. DOCUMENTS ON THE GOVERNMENT OF THE FRENCH REPUBLIC	II-1 to 177
III. DOCUMENTS ON THE FASCIST GOVERN- MENT OF ITALY	III-1 to 113
IV. DOCUMENTS ON THE NAZI GOVERNMENT OF GERMANY	IV-1 to 202
V. DOCUMENTS ON THE GOVERNMENT OF THE SOVIET UNION	V-1 to 186



DOCUMENTS

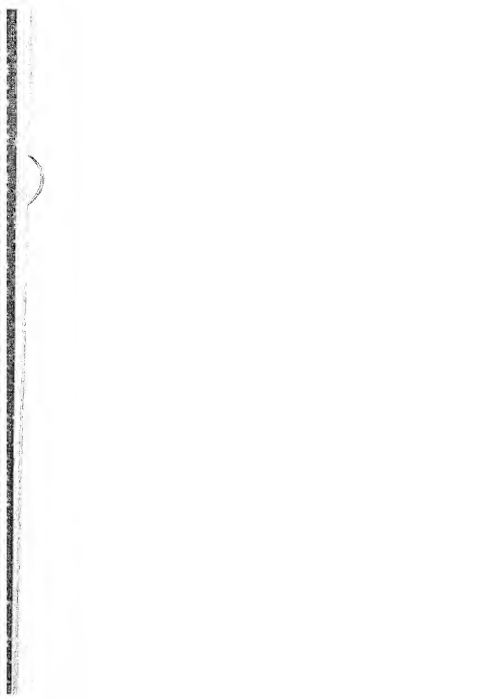
ON THE

GOVERNMENT OF SWITZERLAND

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PREFATORY NOTE

The choice of the documents presented in this collection of material concerning the government of Switzerland calls for a word of explanation.

The statement made by Napoleon Bonaparte in 1802, which heads the collection, was selected both for its historical interest and because of the clear and concise analysis of the fundamental conditions of Swiss government which it contains. These conditions, which had been sadly disregarded in the revolutionary period from 1798 to 1802, indicate the lines along which the whole constitutional evolution of Switzerland has since proceeded.

The extracts from the report of the committee which drafted what was to become the federal Constitution of 1848 were chosen to show the analogies and the contrasts existing between the position of the United States in 1787 and that of Switzerland sixty years later. As the Swiss federal Constitution of 1848 is, in all its essential provisions, still in force today, the extracts from the report of 1848 retain their full significance.

The insertion in the collection of the federal Swiss Constitution in its present form, amended up to date, calls for no comment. The constitution of the canton of Berne has been added. However the cantonal constitutions differ among themselves in detail, they present enough common traits to justify the presentation of one as a sample of the others. That of Berne was selected because of the preëminent demographic and political importance of the canton in which is situated the federal capital.

The most recent political programs of the three dominant parties, finally, have been submitted as throwing much light on present-day political tendencies. The intelligent student will, of course, examine these documents with discrimination and

interpret them with a duly critical mind. He will remember, in particular, that whereas the so-called Radical and the Catholic Conservative parties have for over a generation shared the responsibility of *office*, the Socialist party has always been in the opposition in the federal state.

WILLIAM E. RAPPARD.

CONTENTS

CHAPTER	PAGE
I. NAPOLEON BONAPARTE ON THE ESSENTIALS IN SWISS GOVERNMENT, 1802, PP. 1-4	7
II. EXTRACTS FROM THE REPORT OF THE COMMITTEE WHICH DRAFTED THE PROJECT OF THE FEDERAL CONSTITUTION OF 1848, PP. 5-16	10
III. THE FEDERAL CONSTITUTION OF THE SWISS CONFEDERATION, PP. 17-72	19
IV. THE STATE CONSTITUTION OF THE CANTON OF BERNE, PP. 73-103	55
V. THE PRESENT PROGRAMS OF THE THREE PRINCIPAL SWISS POLITICAL PARTIES, PP. 104-192	76
<i>a.</i> The Radical party, pp. 104-113.	
<i>b.</i> The Catholic Conservative popular party, pp. 114-123.	
<i>c.</i> The Socialist party, pp. 124-169.	

1

I

DOCUMENTARY MATERIAL CONCERNING THE GOVERNMENT OF SWITZERLAND

[Extracts from a letter addressed by Napoleon Bonaparte to the representatives of the Swiss cantons on December 10th, 1802. (Translated from the French original quoted in *Aktensammlung aus der Zeit der Helvetischen Republik* (1798-1803), bearbeitet von Johannes Strickler, Vol. IX, Berne 1903, p. 867, et seq.)]

After nearly five years of turmoil and civil war consequent upon the invasion of Switzerland by the armies of the French Revolution in 1798, Bonaparte took it upon himself to play the part of a friendly mediator. He therefore summoned to Paris some sixty delegates chosen from the various parts and parties of Switzerland and entrusted them with the task of drafting, under his direction, constitutions for the cantons and for the Confederation. The results of their labors were embodied in the so-called Act of Mediation of 1803. Under this Act, which proved remarkably adapted to the character of the country in view of its past history, its geographical position and the social diversity of its inhabitants, Switzerland lived in relative contentment until Napoleon's downfall in 1813.

The following statements are extracted from a letter received by the Swiss delegates at the outset of their deliberations. It is quoted here by reason of the light it throws on some of the most important permanent political characteristics of Switzerland as seen by a master political mind which had informed itself with great care and insight about them.

"Citizen delegates of the eighteen cantons of the Helvetic Republic,—

The position of your country is critical. It can be saved only through moderation, caution, and the sacrifice of hostile passions. I have undertaken, in the face of Europe, to make my mediation effective. I shall fulfill all the duties imposed upon me by this august function; but what would be difficult without your coöperation, becomes simple thanks to your assistance and to your influence.

Switzerland resembles no other state. It is characterized by the events which have taken place there for several centuries, by its geographical and topographical position, by its various languages and religions, and by the extreme diversity of customs which prevail in its different parts.

Nature has predestined you to become a federal state. No wise man can wish to conquer nature.

Circumstances, the spirit of past centuries, have established among you sovereign and subject peoples. New circumstances, the spirit of a new century, more in harmony with justice and reason, have reëstablished equality of rights among all the parts of your territory. Several of your states have for centuries followed the laws of the most absolute democracy; in others a few families have seized the reins of power and thus given rise to the antithesis of subjects and sovereigns. The influence and general interests of Italy, Savoy, France and Alsace which surround you, had essentially contributed to the establishment of this state of affairs. The spirit of these different countries has changed; renunciation of all privileges is both the will and the interest of your people.

It is therefore at the same time the wish and the interest of your nation and of the great states which surround you that:

1 ° Equality of rights be established between your eighteen cantons;

2 ° Patrician families, sincerely and freely, renounce their privileges;

3 ° A federal organization be set up, in which every canton will enjoy a scheme of government adapted to its language, its religion, its customs, its interests and its opinions.

It is the organization, according to these general principles, of each of your eighteen cantons, that constitutes your first task.

When the organization of the eighteen cantons will have been decided upon, the relations to be set up between them will remain to be determined. Therefore your central organization is, in truth, much less important than your cantonal organization. Neither your public finances, nor your army, nor your civil administration can be uniform.

You have never maintained a mercenary army. You cannot have strong finances. You have never even accredited regular diplomatic agents with the various powers. Placed on the summit of the chains of mountains which separate France, Germany and Italy, you share in the state of mind of these different nations. The only institutions which can satisfy your people and assure your future, are the neutrality of your country, the prosperity of your trade and a domestic system of government."

II .

EXTRACTS FROM THE REPORT OF THE COMMITTEE WHICH DRAFTED THE PROJECT OF THE FEDERAL CONSTITUTION OF 1848

[Translated into English from the German and French texts. Both these texts may be considered as originals, as the report was drafted and signed by a German and a French rapporteur. Their bibliographical titles are as follows: *Bericht über den Entwurf einer Bundesverfassung vom 8. April 1848, erstattet von der am 16. August 1847 von der Tagsatzung ernannten Revisionskommission*, Beilage zum Teil IV des Abschieds der ordentlichen Tagsatzung von 1847, Litt.C., 88 pages; and *Rapport de la Commission qui a élaboré le projet de Constitution fédérale du 8 avril 1848*, Lausanne, 1848, 86 pages.]

The present federal Constitution of Switzerland bears the date of its adoption in 1874. However, and although it has been submitted to thirty-six amendments since, it is in all its essential elements based on the federal Constitution of 1848, all of whose fundamental provisions are still in force. The Constitution of 1848 was adopted by the federal Diet. It was drafted by a committee of the whole Diet which published its draft on April 8, 1848. At the same time was published the report from which the following extracts are quoted. It was drafted by a German and a French-speaking member of the committee chosen to act as official rapporteurs, Kern of Thurgovie and Druey of Vaud. Although generally forgotten, this report may be read as the only official brief commentary on the federal Constitution of Switzerland:

" . . . The character and purpose of political institutions are to satisfy the ideas and needs of a given period, both accepting

the past and opening a road to the future. It is just as contrary to the law of evolution to seek to precede the state of society as to attempt to retard its development. . . .

If there is a state from which Switzerland has emerged, there is another which she has not yet reached.

Not only is Switzerland no longer a mere alliance of sovereign states, as she was before the Revolution of 1798 . . . but the Swiss people have outstripped in their evolution the present federal institutions established in the Pact of 1815, which already constitutes a much stronger federal bond than the ancient alliances. . . .

However if Switzerland is no longer in the state for which the Pact of 1815 was designed, it has not yet reached that which would call for a unitary régime. . . . Whatever the progress accomplished by the national mind, the cantonal mind still actively animates our body politic. . . .

Will Switzerland later attain a unitary régime, in other words will the still more or less sovereign cantons later make room for districts or other territorial divisions as members of an organic body? It may be, but we do not believe that that time has yet come. Cantonalism is too deep-rooted. The customs created by the centuries are too compelling to allow such a change to be effected without a crisis for which we are not sufficiently prepared unless all appearances should mislead.

A federal Constitution which respects both the elements which, together with the communes, constitute Switzerland, the national or general and the cantonal or special element; a Constitution which grants to both of these elements the powers they need for the good of the whole and of the parts; a Constitution which reconciles and harmonizes them, which subordinates the members to the body, the cantons to the nation—the bond without which there could be no possible Confederation and without which the cantons would perish in isolation: such is the fundamental law which present-day Switzerland needs and which the committee has sought to establish in the draft Constitution which it has the honor to submit to the Diet.

Such is the dominant principle of the whole draft, the key to all its provisions. . . .

CHAPTER I

GENERAL PROVISIONS

. . . In article 25 the principles are enunciated which shall govern the levying of federal customs duties. In defining them the committee has given the greatest possible consideration to the interests of Swiss manufactures. . . .

CHAPTER II

FEDERAL AUTHORITIES

We touch here upon the vital question of organization. What shall be the powers of the Confederation? . . . It is obvious that the cantons and principally the large cantons will not consent to sacrifice all their rights and powers, political . . . military . . . diplomatic . . . educational . . . financial . . . monetary . . . postal . . . to a minority, but only to the common fatherland, to the general good, to the nation represented by authorities which are both the organs of the majority of the Swiss people and of the cantons.

To realize this is to recognize that it is not possible to maintain either the present system of equal representation in the federal Diet, or the directorial cantons, or even the existing system of federal arbitration which also rests on a cantonal basis. . . .

The federal organization set up by the Pact of 1815 corresponds to the ideas and needs of a past period. The present time demands other institutions. The Confederation must be endowed with authorities which will truly represent its component parts and which, by virtue of their structure and the source of their power, will subordinate local considerations and cantonal selfishness to higher conceptions of general welfare. It must be endowed with authorities which shall carry out the will of the majority of the citizens, which shall secure the prosperity of the country, which shall place Switzerland in the

position to which she is entitled among the nations, in a word, authorities able and willing to march forward.

As the Federal Assembly is destined to exercise the supreme power in the Confederation and as the proposed scheme of representation is at the basis of the whole political organization of the country, of the judicial as well as of the executive, it is the Federal Assembly that we shall consider first.

I. *The Federal Assembly.*

. . . The committee had to choose one of the three following systems: 1° the league or alliances; 2° the federation; 3° the unitary state. . . .

The federal system corresponds to Switzerland's physical and moral condition. It embraces all her constituent elements and satisfies all her wants. It unites and harmonizes the national element which the league system smothers and almost suppresses and the cantonal element which the unitary state would abolish. It is the system which the Swiss people demand. . . .

There are three kinds of federal systems: 1° the exclusive cantonal régime, in which the cantons alone are represented in the Federal Assembly and in which the Swiss people are debarred from all participation in federal affairs; 2° the exclusive national régime, in which the people alone are represented and in which the cantons are excluded; 3° the mixed national cantonal régime, in which the Swiss people and the cantons are both associated and represented in the government of the Confederation.

Each of these three federal systems may still further be subdivided. . . .

In the mixed national cantonal system . . . each of the constituent elements of Switzerland has its special organ, which is at the same time a bulwark against the invasion of the other. . . .

After all the other possible systems have been considered and rejected, the great majority or the quasi-unanimity of the committee adopted a dual system of two houses, one representing the nation and the other the cantons. This institution has the

advantage of offering each element a body, an organ, a platform, a place of its own, an individual existence. . . .

The example of the United States and of the other countries in which there are two chambers is the apt reply to the fears expressed about continual struggles and systematic antagonism between the two bodies of the legislature. . . . Doubtless Switzerland is in many respects very different from the United States of North America. But, as the government of that vast federation presents problems infinitely more complex and more difficult than that of the Swiss Confederation, the success achieved by the bicameral system in that part of the world during the last sixty years allows us to hope that it will be all the more adaptable to our country. . . .

II. *The Federal Council.*

. . . . The President of the Federal Council shall be the President of the Confederation. As such he shall enjoy precedence over the Presidents of the National Council and of the Council of States even during the session of the Federal Assembly, because there must be unity and foreign governments must know who represents the country.

However this supreme magistrate shall have no special prerogatives, such as those . . . enjoyed by the President of the United States of America. While recognizing the advantages offered by such an office from the point of view of the unity and continuity of the administration as well as from that of the faithful expression of the national will and of the responsibility of the government, the committee could not think of proposing the creation of an office so contrary to the ideas and habits of the Swiss people who might see therein evidence of a monarchical or dictatorial tendency; in Switzerland one is attached to councils. Our democratic feeling revolts against any personal preëminence. A part of the committee would have preferred to see the President and the other members of the Federal Council elected by the people, in order to place their authority on a more secure and on a broader basis. . . . The

cantons, it is true, would have had no voice in the choice of the government. . . . The majority therefore decided to entrust the election of the executive to the two houses assembled. It proposes this solution first in order to secure the coöperation of the cantons and of the people, secondly because it is in the interests of the unity of the state and of the subordination of the executive to the supreme authority of the legislature, thirdly because it is the practice of most of the cantons and finally because a popular election would present certain difficulties. . . .

III. *The Federal Chancery.*

* * * * *

IV. *The Federal Tribunal.*

. . . The last paragraph of article 97 provides that in civil matters conflicts must be submitted to the Federal Tribunal by the Federal Council and, if need be, by the Federal Assembly. This is proposed in order to prevent the court from dealing with cases of a political nature as these are exclusively under the jurisdiction of the Councils of the Confederation.¹

¹ We have included this brief passage in order to illustrate the will of the authors of the Constitution narrowly to limit the powers of the federal judiciary and clearly to subordinate it to the legislative and to the executive. Article 97 of the draft Constitution of 1848 which, in a considerably amended form, has become article 110 of the present fundamental law, reads as follows:

ARTICLE 97.

As a court of civil justice the Federal Tribunal has jurisdiction in all cases of conflict in so far as they are not of a political nature:

- (a) between cantons;
- (b) between the Confederation on the one hand and cantons, corporations or individuals on the other;
- (c) concerning stateless persons.

In the cases mentioned under (a) and (b) the conflict is brought before the Federal Tribunal through the medium of the Federal Council. If

the Federal Council is doubtful whether or denies that the matter is susceptible of being submitted to the Federal Tribunal, the question is decided by the Federal Assembly.

V. The Seat of the Federal Authorities.

* * * * *

CHAPTER III

THE REVISION OF THE FEDERAL CONSTITUTION

The committee proposes to render the Constitution very easily amendable because a truly sovereign people must be able to change its fundamental law whenever it is so inclined. Furthermore experience has shown that most insurrections and violent revolutions are the outcome of provisions in the constitutions themselves which impede their ready amendment or in the blind resistance of parties which seek to maintain their position or which believe they can thus impede the progress of the times. . . . In order to come into force, the federal Constitution must be accepted by the majority of the Swiss citizens and by the majority of the cantons. Each element thus has its share in the supreme decision. The necessary concurrence of the majority of the confederate states constitutes a sufficient guarantee of cantonal sovereignty. We fully realize that all the cantons, the large as well as and perhaps more than the small, are attached to their sovereignty. . . .

Transitory Provisions.

* * * * *

Financial Ways and Means.

. . . As for great public works, they necessitate extraordinary expenditure; the Confederation will undertake them only if and when it possesses funds made available by savings, gifts

or other subsidies, flotation of stock, or of sufficiently secured public loans, or in any other manner. As the cantons are represented in the Council of States they hold the purse strings. They thus have it in their power to oppose an insurmountable veto to any prodigal measures which a majority of the National Council, all too forgetful of the interests of the taxpayers, might be tempted to propose. . . .

Conclusion.

. . . A federal Constitution is a complex machine whose various organs are more or less interdependent. . . . In view of the diversity of opinions and interests and the changing composition of the majorities in the committee, such a machine could not be set up except by means of mutual concessions.

A committee of twenty-odd members representing different cantons and systems cannot be compared with an individual or with a small group of a few persons all in perfect agreement or at least of one mind on essentials. A man alone may know what he wants. Having conceived of a plan as a whole, he may pursue its elaboration into its logical consequences. Even he, however, will sometimes be obliged to retrace his steps to amend and even to change radically certain parts of his work. Wisdom does not always spring as Minerva emerged fully armed from the head of Jupiter. But a numerous committee, composed of the most different minds, can reach a generally satisfactory result only by means of compromises and by constant redrafting. In a Confederation it is even more necessary than elsewhere to take into account all the essential elements and whenever possible to reach agreement by conciliation rather than to take decisions by majority votes. Thus the minorities will better appreciate what they owe the majorities and the common result will stand a better chance of a long life. . . .

As for us, we have faith in the truth and in the force of ideas, in the common sense and in the perseverance of the Swiss people, we have faith in the future. The impetus, the progressive movement the world has recently received makes us hope

that the federal regeneration of Switzerland may be accomplished when the people and their authorities seriously will it and when Providence will have called the hour.

BERNE, April 26, 1848.

On behalf of the Committee:
The Rapporteurs:

DR. KERN.
H. DRUEY."

III

THE FEDERAL CONSTITUTION OF THE SWISS CONFEDERATION

[The present federal Constitution of Switzerland bears the date of May 29, 1874, when it was put into force by decision of the Federal Assembly, after having been adopted by the people on April 19th of the same year. It is based on the Constitution of 1848 and has since 1874 been subject to thirty-six partial amendments. The articles which stand unamended since 1848, except for merely verbal changes, are indicated by an asterisk. The Constitution is quoted in its present revised text, the date of the amendments being indicated in footnotes.]

PREAMBLE *

In the name of God almighty!

The Swiss Confederation,

Wishing to consolidate the alliance of the Confederates, to maintain and to increase the unity, the force and the honor of the Swiss nation, has adopted the following federal Constitution:

CHAPTER I

GENERAL PROVISIONS

*Article 1.** The peoples of the twenty-two sovereign cantons of Switzerland, united in the present alliance, viz.: Zurich, Berne, Lucerne, Uri, Schwyz, Unterwald (the Upper and the Lower), Glaris, Zoug, Fribourg, Soleure, Basle (the City and the Country), Schaffhouse, Appenzell (the two Rhodes), St.

Gall, Grisons, Argovie, Thurgovie, Tessin, Vaud, Valais, Neuchâtel and Geneva form together the Swiss Confederation.

*Article 2.** The purpose of the Confederation is to assure the independence of the country against foreign nations, to maintain domestic peace and order, to protect the liberty and the rights of the Confederates and to enhance the common prosperity.

*Article 3.** The cantons are sovereign in so far as their sovereignty has not been limited by the federal Constitution, and, as such, they exercise all the rights which have not been delegated to the federal power.

*Article 4.** All the Swiss are equal before the law. There are in Switzerland no subjects, nor any privileges of place, of birth, of persons or of families.

*Article 5.** The Confederation guarantees the cantons their territory, their sovereignty within the limits fixed by article 3, their constitutions, liberty and the constitutional rights of the citizens, as well as the rights and prerogatives which the people have conferred upon the authorities.

*Article 6.** The cantons are bound to seek of the Confederation the guarantee of their constitutions.

This guarantee is extended, on condition:

(a) That these constitutions contain nothing contrary to the provisions of the federal Constitution;

(b) That they provide for the exercise of political rights in conformity with republican—representative or democratic—forms of government;

(c) That they have been accepted by the people, and that they may be amended on the demand of the absolute majority of the citizens.

*Article 7.** All special alliances and treaties of a political nature are forbidden between cantons.

On the other hand, the cantons have the right to conclude between themselves conventions relating to legislative, administrative and judicial matters; however they must bring such conventions to the notice of the federal authorities, which, should such conventions contain anything contrary to the Confederation or to the rights of the other cantons, may oppose their

execution. In the contrary case the contracting cantons may call upon the coöperation of the federal authorities for the execution of such conventions.

*Article 8.** The Confederation alone has the right to declare war and to make peace, as well as to conclude alliances and treaties with foreign states, especially customs arrangements and commercial treaties.

*Article 9.** In exceptional cases the cantons retain the right to conclude treaties with foreign states on matters concerning public economy and neighborhood and police relations; however such treaties shall contain nothing contrary to the Confederation and to the rights of other cantons.

*Article 10.** The official relations between the cantons and foreign governments or their representatives shall take place through the medium of the Federal Council.

However the cantons may correspond directly with the subordinate authorities and agents of a foreign state, when dealing with the matters mentioned in the preceding article.

*Article 11.** No military capitulations may be concluded.

Article 12.¹ The members of the federal authorities, federal civil and military officials, representatives and commissioners as well as the members of the cantonal governments and legislatures may accept from a foreign government neither pensions or salaries, nor titles, gifts or decorations. The violation of this prohibition entails the loss of the mandate or of the office.

He who is in possession of such a pension, title or decoration, cannot by election or appointment become a member of the federal authority nor a civil or military official of the Confederation, nor a federal representative or commissioner, nor a member of the government or legislature of a canton, unless he shall have expressly renounced his right to the pension or the title or returned the decoration, before exercising his mandate or entering upon his office.

The wearing of foreign decorations or the use of titles conferred by foreign governments are forbidden in the Swiss army.

All officers, non-commissioned officers or soldiers are forbidden from accepting any such distinction.

¹ As amended on February 8, 1931.

*Article 13.** The Confederation has not the right to maintain permanent troops.

No canton or half-canton may maintain more than three hundred men of permanent troops without the authorization of the federal power; this provision does not concern the police.

*Article 14.** If conflicts should arise between cantons, the latter shall refrain from any act of violence and from any armament. They shall submit to the decision which will be taken with respect to such conflicts in conformity with the federal provisions.

*Article 15.** In the case of a sudden danger from without, the government of the threatened canton may call upon the help of confederate states and immediately inform the federal authority, this without prejudice of the measures which the latter may take. The cantons called upon are obliged to lend support. The expenses are borne by the Confederation.

*Article 16.** In case of internal troubles, or when the danger arises from another canton, the government of the threatened canton shall immediately inform the Federal Council, so that the latter may take the necessary measures within the limits of its competence (article 102, numbers 3, 10 and 11) or summon the Federal Assembly. In case of emergency, the government is authorized to call upon the help of other confederate states, which are obliged to lend such help, the Federal Council being immediately informed.

When the government is not in a position to call upon help, the competent federal authority may intervene without being called upon; it is obliged so to intervene when the disturbances endanger the security of Switzerland.

In case of intervention the federal authorities shall observe the provisions prescribed in article 5.

The expenses are borne by the canton which has called upon the assistance or occasioned the intervention, unless the Federal Assembly should otherwise decide in view of special circumstances.

*Article 17.** In the cases mentioned in the two preceding articles every canton is obliged to grant free passage to the troops. These shall immediately be placed under a federal command.

Article 18. Military service is compulsory on every Swiss.

Those who lose their life or suffer permanent injury in their health by reason of their service in the federal army are entitled to relief by the Confederation for themselves, or for their families, if they are in need.

Each soldier receives his first arms, equipment and uniform free of charge. The arms remain in possession of the soldier under the conditions fixed by federal legislature.

The Confederation shall issue uniform prescriptions concerning the tax due by those exempted from military service.

Article 19. The federal army is composed of:

(a) the cantonal contingents;

(b) all the Swiss who, while not belonging to these contingents, are obliged to serve in the army.

The Confederation has the right to dispose of the army and of the war material provided for by law.

In case of danger, the Confederation also has the right exclusively and directly to dispose of the men not incorporated in the federal army and of all the other military resources of the cantons.

The cantons dispose of the military forces of their territory, in so far as this right is not limited by the Constitution and by the laws of the Confederation.

Article 20. The laws concerning the organization of the army are promulgated by the Confederation. The cantonal authorities are entrusted with the execution of the military laws in the cantons, in the limits which shall be fixed by federal legislation and under the supervision of the Confederation.

The Confederation is responsible for the military instruction and for the armament of the army.

The cantons remain responsible for the supply and upkeep of the uniform and equipment; however the expenditure incurred therefor is repaid to the cantons by the Confederation, in accordance with provisions to be determined by federal legislation.

Article 21. Unless military considerations stand in the way, the units shall be formed of troops of one and the same canton.

The cantons are responsible for the composition of these units, for the maintenance of their effectives and for the nomination

and promotion of their officers, subject to the general instructions transmitted to them by the Confederation.

Article 22. Subject to the payment of adequate compensation, the Confederation has the right to use and to own the parade grounds and the military buildings which exist in the cantons, as well as the accessories thereto.

The conditions of the compensation are determined by federal legislation.

*Article 23.** The Confederation can order at its expense or encourage by means of subsidies public works which interest Switzerland or a considerable part of the country.

For that purpose the Confederation may decree expropriation subject to fair compensation. Further provisions concerning this matter shall be enacted by federal legislation.

The Federal Assembly may prohibit public works which might prejudice the military interests of the Confederation.

Article 23 bis.¹ The Confederation maintains the stores of grain necessary to secure the revictualling of the country. It may oblige millers to store grain and to purchase extra supplies of grain in order to facilitate the renewal of the stores.

The Confederation encourages the growing of grain in the country. It promotes the selection and purchase of indigenous choice seeds and grants subsidies to the producer growing grain for his own needs, taking into particular consideration the mountainous regions. It purchases indigenous grain of good quality fit for milling at a price which allows its growing. The millers may be obliged to purchase this grain at its market value.

The Confederation assures the maintenance of national mills; it also safeguards the interests of consumers of flour and of bread. Within the limits of its rights, it supervises the trade and prices of grain, bread flour and of bread. The Confederation takes the necessary measures to regulate the importation of bread flour; it may also reserve for itself the exclusive right to import this product. In case of need, the Confederation grants mills facilities, in order to reduce their transportation costs within the country. It takes the necessary measures in order to equalize the prices of flour for the mountainous regions.

¹ Amendment adopted on March 3, 1929.

A statistical duty shall be levied on all goods transported across the customs frontier. The yield of this duty shall contribute to the expenditure entailed by the revictualling of the country in grain.

Article 24. The Confederation has the right of supreme supervision over the regulation concerning embankments and forests.¹

It shall contribute to the rectification and embankment of torrents and to the reafforestation of the regions from which they spring. It shall decree the measures necessary to assure the upkeep of these works and the conservation of existing forests.

*Article 24 bis.*² The utilization of hydraulic resources is placed under the supreme supervision of the Confederation.

The federal legislation shall provide for the necessary general measures to safeguard the public interests and to assure the rational utilization of hydraulic forces. These provisions shall, as far as possible, take into account the interests of internal navigation.

Subject to these provisions, the cantons are responsible for the regulation of the use of hydraulic forces.

However, when a section of a stream of use for hydraulic purposes is subject to the sovereignty of several cantons and when these cantons cannot agree concerning a common concession, the Confederation shall have the right to grant the concession. The Confederation has the same rights over streams constituting the frontier of the country, after hearing the cantons concerned.

The taxes and dues payable for the use of hydraulic forces belong to the cantons or their representatives, according to cantonal legislation.

The Confederation, having heard the cantons concerned and taking into fair account their legislation, determines the taxes and dues payable for the concession which it is authorized to grant. The cantons, within the limits to be fixed by federal legislation, determine the taxes and dues payable for the other concessions.

¹ As amended on July 11, 1897.

² Amendment adopted on October 25, 1908.

The exportation of energy produced by hydraulic force can take place only with the authorization of the Confederation.

As soon as the present article comes into force, all new hydraulic concessions shall be made subject to the provisions of the future federal legislation.

The Confederation has the right to enact legislative provisions concerning the transportation and distribution of electric energy.

*Article 24 ter.*¹ The Confederation is responsible for legislation concerning navigation.

Article 25. The Confederation has the right to enact legislative provisions, to regulate fisheries and shooting, principally with a view to the conservation of big game in the mountains and to the protection of animals useful for agriculture and forestry.

*Article 25 bis.*² The sticking of animals for butcher's purposes without previous stunning is expressly prohibited. This provision applies to all forms of slaughtering and to all kinds of cattle.

Article 26. The Confederation is responsible for the legislation on the construction and working of railroads.

Article 27. The Confederation has the right to create, besides the existing federal Polytechnical School, a federal University and other institutions of higher learning and to subsidize institutions of this kind.

The cantons are responsible for primary instruction which must be sufficient and subject exclusively to the direction of the civil authority. It is compulsory and, in public schools, free.

Public schools must be such as to be open to adherents of all faiths without their being exposed to suffer any infringement of their liberty of conscience and belief.

Should any canton fail to comply with these obligations, the Confederation shall take the necessary measures.

*Article 27 bis.*³ Subsidies shall be granted to the cantons with a view to assisting them in the execution of their obligations in the field of public instruction.

¹ Amendment adopted on May 4, 1919.

² Amendment adopted on August 20, 1893.

³ Amendment adopted on November 23, 1902.

The law shall provide for the application of this provision.

The organization, direction and supervision of primary schools remain within the jurisdiction of the cantons, subject to the provision of article 27 of the federal Constitution.

Article 28. The Confederation is responsible for everything that concerns customs duties. It may levy import and export duties.

Article 29. The levying of federal customs shall be organized in conformity with the following principles:

1. Import duties:

(a) Materials necessary for the industry and agriculture of the country shall be subject to taxes as low as possible;

(b) The same shall be the case for all vital necessities;

(c) Articles of luxury shall be subject to the highest taxes.

Except for insurmountable obstacles, these principles shall also be applied in the conclusion of commercial treaties with foreign countries.

2. Export duties shall be as moderate as possible.

3. The customs legislation shall contain provisions favorable to frontier traffic and concerning markets.

The above provisions shall not prevent the Confederation from temporarily taking exceptional measures in extraordinary circumstances.

*Article 30.*¹ The yield of customs duties belongs to the Confederation.

The compensation heretofore paid to the cantons for the repurchase of their toll dues, of their road and bridge taxes, of their customs duties and similar revenue, is abolished.

The cantons of Uri, of the Grisons, of Tessin and of the Valais shall receive from January 1st, 1925, exceptionally and by reason of their international Alpine roads, an annual compensation whose amount is fixed as follows:

Uri	160,000 francs
Grisons	400,000 francs
Tessin	400,000 francs
Valais	100,000 francs

¹ As amended on May 15, 1927.

*Article 31.*¹ The freedom of trade and industry is guaranteed throughout the Confederation.

Are reserved:

(a) The salt and gunpowder monopolies, the federal duties, the import duties of wines and other alcoholic beverages, as well as the consumption duties expressly recognized by the Confederation under article 32;

(b) The manufacture, import, rectification, sale and taxation of distilled liquors, in conformity with articles 32 *bis* and 32 *ter*;

(c) Everything that concerns taverns and the trade in alcoholic beverages, in conformity with article 32 *quater*;

(d) The sanitary police measures concerning contagious diseases, very common diseases and diseases particularly dangerous for the human and animal races;²

(e) Provisions concerning the exercise of commercial and industrial professions, the relevant taxes and the regulation of highways. These provisions shall contain nothing contrary to the principle of the freedom of trade and industry.

Article 32. Subject to the following restrictions, the cantons shall be authorized to levy import duties on wines and other alcoholic beverages mentioned in article 31, letter a:

(a) The levying of these import duties shall in no way burden transit; it shall interfere as little as possible with trade, which shall not be made to support any other tax;

(b) If the merchandise imported for consumption is re-exported from the canton, the import duties paid shall be refunded and all other duties shall be avoided;

(c) Products of Swiss origin shall be subject to lower duties than foreign products;

(d) The import duties on wines and other alcoholic beverages at present levied shall not be increased by the cantons which levy them. No duties shall be levied on such products by the cantons which do not levy them at present;

(e) The laws and ordinances of the cantons on the levying of import duties shall, before coming into force, be submitted to the approval of the federal authority, in order to enable the lat-

¹ As amended on April 6, 1930.

² As amended on May 4, 1913.

ter, if necessary, to secure the observation of the preceding provisions.

All import duties at present levied by the cantons, as well as similar duties levied by the communes, shall be abolished without compensation at the end of the year 1890.

*Article 32 bis.*¹ The Confederation shall have the right to enact legislative provisions on the manufacture, import, rectification, sale and taxation of distilled beverages.

These provisions shall tend to reduce the consumption and consequently the importation and production of spirits. They shall encourage the production of table fruit and the use of indigenous distillable substances for purposes of food and fodder. The Confederation shall reduce the number of stills by private purchase.

Concessions for the industrial production of distilled beverages are granted to coöperative societies and to other private enterprises. The concessions granted shall authorize the use of the waste and residues of fruit production, of viticulture, of the production of sugar beet and the excess of fruit and potato harvests, in so far as these raw materials cannot rationally be employed elsewhere than in distilleries.

The non-industrial production of spirits drawn from fruit waste, fruit cider, wine, skins of grapes and analogous substances, is authorized in the already existing domestic distilleries, in the itinerant distilleries in so far as these substances result exclusively from the indigenous harvest of the producer or have been gathered in a wild state in the country. The spirits thus obtained shall be tax free in so far as they are used in the household or are necessary for the farm of the producer. Domestic distilleries still existing at the end of fifteen years after the adoption of the present article shall, in order to continue their production, seek for a concession which shall be granted them without expense under the conditions to be fixed by law.

The special products obtained by the distillation of stone fruit, wine, skins of grapes, wine dregs, gentian roots, and other similar substances, are subject to a tax. However the producer shall

¹ Adopted on October 25, 1885 and amended on April 6, 1930.

be allowed to obtain a fair price for these raw materials when produced in the country.

Except for the quantities necessary to the producer, which are tax free, and for special products, the spirits manufactured in the country are delivered to the Confederation, which shall purchase them at a fair price.

Exported products or products transported in transit or methylated are tax free.

The yield of taxes on the sales and the retailing of spirits, within the limits of the cantons, belongs to the cantons. The licenses for intercantonal and international trade are delivered by the Confederation; the receipts therefrom are distributed among the cantons proportionally to their population of ordinary residence.

Half the net receipts which the Confederation draws from the taxation of distilled beverages are distributed among the cantons proportionally to their population of ordinary residence; each canton is obliged to employ at least 10 per cent of its share to combat alcoholism in its causes and in its effects. The other half of the receipts belongs to the Confederation; it shall be earmarked for old age and survival insurance and, until the introduction of this insurance, paid in to the funds created therefor.

*Article 32 ter.*¹ The manufacture, importation, transport, sale and holding of the liquor called absinth shall be forbidden throughout the Confederation. This prohibition extends to all liquors which, under any name, should constitute an imitation of absinth. The right to transport in transit and the use of absinth for pharmaceutical purposes remain reserved.

The above prohibition shall come into force two years after its adoption. The provisions made necessary by this prohibition shall be enacted by federal legislation.

The Confederation has the right to decree the same prohibition by legislative means for all other beverages containing absinth which should constitute a public danger.

¹ Amendment adopted on July 5, 1908.

*Article 32 quater.*¹ The cantons have the right by legislative means to submit the exercise of the profession of innkeeper and the retail trade in alcoholic beverages to the restrictions called for by public welfare. Is considered retail trade in non-distilled alcoholic beverages the trade by quantities of less than two liters.

The trade in alcoholic non-distilled beverages by quantities of from two to ten liters may, within the limits of article 31, letter e, and by legislative methods, be subordinated by the cantons to an authorization or to the payment of a modest tax and subjected to the supervision of the authorities.

The sale of alcoholic non-distilled beverages cannot be subjected by the cantons to any special taxes other than the license dues.

Legal persons shall not be treated less favorably than physical persons. The producers of wine and cider may, without any special authorization and without being subjected to any tax, sell the product of their own vintage by quantities of two liters or more.

The Confederation has the right to legislate on the trade of alcoholic non-distilled liquors by quantities of two liters and more. The provisions which it may enact shall contain nothing contrary to the principle of freedom of trade and industry.

The peddling and other methods of itinerant sale of alcoholic beverages are forbidden.

Article 33. The cantons may demand proof of ability from all those who desire to exercise liberal professions.

Federal legislation shall be enacted in order to allow the latter to obtain certificates valid throughout the Confederation for that purpose.

Article 34. The Confederation has the right to enact uniform provisions concerning child labor in factories, the hours of labor which may be imposed on adults, and on the protection to be offered laborers against the exercise of unsanitary and dangerous industries.

¹ Amendment adopted on April 6, 1930.

The activities of emigration agencies and of insurance companies not established by the state are submitted to the supervision and the legislation of the Confederation.

*Article 34 bis.*¹ The Confederation shall by legislative methods introduce accident and sickness insurance, taking due account of existing accident and sickness funds.

It may make participation in these insurance institutions compulsory for all or for certain special classes of citizens.

*Article 34 ter.*² The Confederation shall edict uniform provisions concerning arts and crafts.

*Article 34 quater.*³ The Confederation shall introduce by legislative means old age and survival insurance institutions; it may later introduce invalidity insurance institutions.

It may declare these institutions compulsory on all or on certain classes of citizens.

These insurance institutions shall be realized with the co-operation of the cantons; public and private insurance funds may be called upon to coöperate.

The first two insurance branches shall be simultaneously introduced.

The financial contributions of the Confederation and of the cantons shall not in all exceed half the sums necessary for the insurance.

From January 1st, 1926, the Confederation shall earmark for its old age and survival insurance institutions the total product of the tobacco tax.

The share of the Confederation in the net receipts of the tax on spirits shall be earmarked for the old age and survival insurance institutions.

*Article 35.*⁴ The opening and running of gaming houses is forbidden.

The cantonal governments may, under certain conditions fixed by public interest, authorize society games played in kursaals until the spring of 1925, in so far as the competent authority

¹ Amendment adopted on October 26, 1890.

² As amended on July 5, 1928.

³ As amended on December 6, 1925.

⁴ As amended on December 2, 1928.

deems such games necessary for the maintenance and development of the tourist traffic and in so far as their organization is entrusted to an enterprise which for this purpose maintains a *kursaal*. The cantons can also prohibit such games.

An ordinance of the Federal Council shall determine the conditions imposed by public interest. The stake shall not exceed two francs.

The cantonal authorizations shall be subject to the approval of the Federal Council.

The fourth of the gross receipts of the games shall be paid over to the Confederation which shall earmark it, without prejudice to its own payments, for the victims of natural devastations, as well as for works of public utility.

The Confederation shall also take the necessary measures concerning lotteries.

Article 36. In the whole of Switzerland, the postal and telegraphic services belong to the Confederation.

The yield of the postal and telegraphic services belong to the federal treasury.

The rates are fixed according to the same principles and as fairly as possible for all parts of Switzerland.

The inviolability of the secret of letters and telegrams is guaranteed.

Article 37. The Confederation exercises the supreme supervision over the roads and the bridges in whose maintenance it is interested.

The sums payable to the cantons mentioned in article 30, by reason of their international Alpine roads, shall be withheld by the federal authorities if these roads are not adequately maintained by them.

*Article 37 bis.*¹ The Confederation can decree provisions concerning motor cars and bicycles.

The cantons retain the right to limit or to prohibit the circulation of motor cars and bicycles. However, the Confederation may declare certain roads necessary for transit open *in toto* or in part. The utilization of roads for the service of the Confederation is reserved.

¹ Amendment adopted on May 22, 1921.

*Article 37 ter.*¹ The Confederation is responsible for the legislation on aerial navigation.

Article 38. The Confederation exercises all rights contained in the money monopoly.

It alone has the right to coin money.

It fixes the monetary system and may, if necessary, decree provisions on the tariffication of foreign monies.

*Article 39.*² The right to issue bank-notes and all other fiduciary money belongs exclusively to the Confederation.

The Confederation may exercise the bank-note monopoly by means of a state bank placed under a special administration, or it may authorize a central stock-bank to be created which shall be administered with the coöperation and under the control of the Confederation, with the right to exercise this monopoly subject to the right of repurchase.

The bank to which the monopoly is granted shall have as its principal duty to regulate the money market in Switzerland and to facilitate payment operations.

Two thirds of the net yield of the bank after subtraction of a fair interest and dividend rate payable to its original capital or to its stock capital and after deduction of payments to be made to its reserve fund, shall be paid to the cantons.

The bank and its agencies shall be tax free in all the cantons.

The acceptance of bank-notes and of all other fiduciary money can be made compulsory by the Confederation only in case of necessity in time of war.

The federal legislation shall enact provisions concerning the seat of the bank, its fundamental principles, its organization and the execution of this article in general.

*Article 40.** The Confederation shall fix the system of weights and measures.

The cantons shall, under the supervision of the Confederation, apply the laws concerning this matter.

Article 41. The manufacture and sale of gunpowder in the whole of Switzerland is a monopoly of the Confederation.

¹ Amendment adopted on May 22, 1921.

² As amended on October 18, 1891.

This monopoly does not extend to the preparation and sale of mineral substances for ballistic purposes.

*Article 41 bis.*¹ The Confederation may levy stamp taxes on securities, premium insurance receipts, bills of exchange and similar bills, documents in use in transportation contracts and other documents concerning commercial operations; the levying of such taxes shall not extend to documents relating to real estate or mortgage operations. The cantons shall not levy stamp or registry taxes on documents subjected to a stamp duty by the Confederation or on those exempted therefrom by it.

A fifth of the net yield of stamp taxes shall be paid over to the cantons.

The execution of these provisions shall be regulated by law.

*Article 41 ter.*² The Confederation is authorized to levy taxes on raw and manufactured tobacco.

*Article 42.*³ The expenses of the Confederation are covered:

(a) by the yield of the federal estate;

(b) by the yield of the federal customs duties levied at the Swiss frontier;

(c) by the yield of the postal and telegraphic administrations;

(d) by the yield of the powder monopoly;

(e) by half the gross yield of the military exemption tax levied by the cantons;

(f) by the contributions of the cantons to be regulated by federal legislation, account being taken of their wealth and taxable resources;

(g) by the yield of the stamp taxes.

Article 43. Every citizen of a canton is a Swiss citizen.

As such, he may at the seat of his ordinary residence, take part in all federal elections and votes after justifying his electoral capacity.

None can exercise political rights in more than one canton.

The Swiss citizen established outside his own canton shall, at the seat of his ordinary residence, enjoy all the rights of the citizens of the canton and with these all the rights of the citizens

¹ Amendment adopted on May 13, 1917.

² Amendment adopted on December 6, 1925.

³ As amended on May 13, 1917.

of the commune. The participation in the estates of the communes (bourgeoisies) and public corporations and the right to vote in purely communal (bourgeoisiales) matters are excluded from these rights, unless the legislation of the canton should otherwise decide.

In cantonal and communal matters the Swiss citizen becomes a voter after three months' residence.

The cantonal laws concerning establishment and the electoral rights granted to citizens outside their own canton in communal matters shall be submitted to the approval of the Federal Council.

*Article 44.*¹ No Swiss citizen shall be expelled from the territory of the Confederation or from his canton of origin.

The rules applicable to the acquisition and loss of the Swiss nationality shall be fixed by federal legislation.

Federal legislation may decide that the child born of foreign parents is a Swiss citizen on his birth, when the mother was of Swiss origin and when the parents had their ordinary residence in Switzerland at the time of the birth of the child. The child acquires the right of citizenship in the commune of origin of his mother.

The principles regulating reintegration in the right of citizenship shall be laid down by federal legislation.

The persons having acquired Swiss citizenship by reason of the present provisions shall enjoy the same rights as the other citizens; however, they shall not participate in the purely communal (bourgeoisiaux) and corporative estates, unless the cantonal legislation otherwise decides. The Confederation accepts the burden of at least half the poor relief that persons having become Swiss by their birth under the above conditions may throw upon the cantons and the communes until the end of their eighteenth year. The same is the case of citizens reintegrated in the right of citizenship during the ten years following their reintegration.

The federal legislation shall determine the cases in which the Confederation shall participate in the expenses of the cantons and

¹ As amended on May 20, 1928.

the communes for the relief of naturalized stateless individuals.

Article 45. Every Swiss citizen has the right to take up his ordinary residence on any point of the Swiss territory on the presentation of an act of origin or another similar document.

Exceptionally the right of establishment may be refused or withdrawn from those who, as a result of a criminal judgment, are deprived of their civic rights.

The right of establishment may further be withdrawn from those who have several times been punished for grave offences, as also from those who become a permanent charge on public charity and to whom their cantons of origin refuse to grant sufficient relief, after having officially been invited to grant it.

In the cantons where home relief prevails, the authorization of establishment may be subordinated, in case of citizens of the canton, to the condition that they are fit to work and that they have not become a permanent public charge in their former residence in their canton of origin.

All expulsions for reasons of indigence shall be ratified by the government of the canton of ordinary residence and first communicated to the government of the canton of origin.

The canton in which a Swiss citizen establishes his ordinary residence may not demand a surety from him nor subject him, by reason of this establishment, to any special tax. Similarly the communes may not impose on Swiss citizens having established their ordinary residence on their territory other taxes than those which they levy on their own citizens.

The maximum of the chancery charges payable for the obtention of a permit of establishment shall be fixed by federal law.

Article 46. As a rule the persons having established their ordinary residence in Switzerland are subject to the jurisdiction and the legislation of their ordinary residence in what pertains to civil law relations.

Federal legislation shall enact the necessary provisions with a view to implementing this principle and to protect citizens against double taxation.

Article 47. The difference between an ordinary establish-

ment and residence shall be determined by federal law at the same time as the rules to which shall be subject resident Swiss in so far as their political and civil rights are concerned.

Article 48. A federal law shall enact the necessary provisions for regulating what concerns the sickness and burial expenses of poor citizens of a canton who become ill or die in another canton.

Article 49. The freedom of conscience and belief is inviolable.

No one may be obliged to belong to a religious association, to follow a course of religious instruction, to accomplish a religious act nor to undergo any penalty of whatever nature for reasons of religious opinion.

The person who exercises paternal or tutelary authority has the right, in conformity with the above principles, to decide on the religious education of children until the end of their sixteenth year.

The exercise of civil and political rights shall not be limited by provisions or conditions of an ecclesiastical or religious nature of any kind.

No one may, by reason of religious opinion, free himself from the accomplishment of a civic duty.

No one shall be held to pay taxes whose yield is specially earmarked for the particular ecclesiastical expenses of a religious community to which he does not belong. The further implementation of this principle rests with the federal legislation.

Article 50. The freedom of worship is guaranteed within the limits compatible with public order and good morals.

The cantons and the Confederation may take the necessary measures for the maintenance of public order and of peace between the members of various religious communities, as well as against the encroachment of ecclesiastical authorities on the rights of the citizens and of the state.

The conflicts of public and private law to which the creation of religious communities or a schism among existing religious communities may give rise may, on appeal, be brought before the competent federal authorities.

No bishoprics shall be established on Swiss territory without the approval of the Confederation.

Article 51. The order of the Jesuits and affiliated societies shall not be received in any part of Switzerland and their members shall not engage in any activity in churches or schools.

This prohibition may also, by means of a federal ordinance, be extended to other religious orders whose activities are dangerous for the state or jeopardize the peace between the creeds.

Article 52. It is forbidden to establish new convents or religious orders and to reestablish those which have been suppressed.

Article 53. The civil authorities shall be responsible for everything that pertains to the civil registry of private persons. The necessary provisions in this connection shall be enacted by federal legislation.

The right to regulate places of burial belongs to the civil authority. It shall see to it that every deceased person may be decently buried.

Article 54. The right of marriage is placed under the protection of the Confederation.

No obstacle to marriage may be founded on religious motives, on the indigence of the husband or of the wife, on their conduct, or on any other police motive of any kind.

The marriage concluded in a canton or in foreign countries, in conformity with the local legislation, shall be recognized as valid in the whole of the Confederation.

By marriage the wife acquires the national and communal citizenship of her husband.

Children born before marriage are legitimated by the subsequent marriage of their parents.

No admission dues nor any other similar tax may be demanded of either husband or wife.

*Article 55.** The freedom of the press is guaranteed.

However cantonal laws shall enact the necessary provisions to avoid abuse; these provisions shall be submitted to the approval of the Federal Council.

The Confederation may also fix penalties in order to prevent abuses directed against itself or its authorities.

*Article 56.** The citizens have the right to form associations, so long as nothing in the purpose of these associations or in the

methods they employ shall be illicit or dangerous for the state. The cantonal laws provide for the measures necessary for the repression of the abuse.

*Article 57.** The right of petition is guaranteed.

Article 58. No one may be withdrawn from his natural judge. Consequently there may not be established any extraordinary tribunals.

The ecclesiastical jurisdiction is abolished.

Article 59. For personal claims, the solvent debtor having his ordinary residence in Switzerland can be pursued only before the judge of his ordinary residence; his belongings can consequently not be seized or sequestered outside the canton of his ordinary residence by reason of personal claims.

The provisions of international treaties concerning foreigners remain reserved.

Imprisonment for debt is abolished.

Article 60. All cantons are obliged to treat the citizens of other confederate states as those of their own state in legislative matters and in all that pertains to judicial procedure.

*Article 61.** Final civil judgments rendered in one canton are executory in the whole of Switzerland.

*Article 62.** The right of levying special taxes for reasons of migration is abolished within the territory of Switzerland, as well as the right of preëmption of citizens of one canton against those of other confederate states.

*Article 63.** The right of levying special taxes for reasons of migration to foreign countries is abolished subject to reciprocity.

Article 64. Legislation
 on civil capacity,
 on all matters of law relating to trade and transactions concerning movable goods (the law of contracts, including commercial law and the law of exchange),
 on literary and artistic property,
 on the protection of inventions applicable to industry, including designs and models,¹
 on actions for debt and bankruptcy,
 lies within the province of the Confederation.

¹ Amendments adopted on July 10, 1887 and on March 19, 1905.

The Confederation has also the right to legislate on all other matters of civil law.¹

The organization of the judiciary, judicial procedure and the administration of justice remain within the province of the cantons in the same measure as heretofore.²

*Article 64 bis.*³ The Confederation has the right to legislate in matters of criminal law.

The organization of the judiciary, judicial procedure and the administration of justice remain within the province of the cantons in the same measure as heretofore.

The Confederation has the right to make grants to cantons for the construction of penitentiary institutions, of workhouses and houses of correction, as well as for reforms to be realized in the execution of penalties. It has also the right to lend its support to institutions for the protection of abandoned children.

Article 65. No political offense may give rise to the rendering of a death sentence.⁴

All corporal punishment is forbidden.

Article 66. The limits within which a Swiss citizen may be deprived of his political rights are fixed by federal legislation.

*Article 67.** The extradition from one canton to another of accused persons is fixed by federal legislation; however, extradition shall not be rendered compulsory for political and press offences.

*Article 68.** The measures for the incorporation of stateless individuals or for the prevention of new cases of statelessness shall be regulated by a federal law.

Article 69. The Confederation may take legislative measures to combat contagious diseases, very frequent diseases and diseases particularly dangerous for the human and the animal races.⁵

*Article 69 bis.*⁶ The Confederation has the right to legislate:
(a) on the trade in food products;

¹ As amended on November 13, 1898.

² As amended on November 13, 1898.

³ Amendment adopted on November 13, 1898.

⁴ As amended on May 18, 1879.

⁵ As amended on May 4, 1913.

⁶ Amendment adopted on July 11, 1897.

(b) on the trade in domestic utensils and other objects, in so far as they may jeopardize health and life.

The laws enacted in these fields shall be applied by the cantons under the supervision and with the financial assistance of the Confederation.

The Confederation is responsible for the control of imports on the national frontier.

*Article 69 ter.*¹ The Confederation has the right to legislate on foreigners entering and leaving the country and on their sojourn and establishment within it.

The cantons shall, in accordance with federal law, decide on the sojourn and establishment of foreigners. However, the Confederation has the right to decide in final appeal:

(a) on cantonal authorization of prolonged sojourn and establishment, as well as on favors granted in this connection,

(b) on the violation of treaties of establishment,

(c) on cantonal expulsions when they have repercussions on the territory of the Confederation,

(d) on the refusal of the right of asylum.

*Article 70.** The Confederation has the right to expel from its territory the foreigners who jeopardize the interior or exterior security of Switzerland.

CHAPTER II

FEDERAL AUTHORITIES

I. *Federal Assembly*

Article 71. Subject to the rights of the people and of the cantons (articles 89 and 121), the supreme authority of the Confederation is exercised by the Federal Assembly, which is composed of two sections or councils, viz.:

A. the National Council;

B. the Council of States.

¹ Amendment adopted on October 25, 1925.

A. National Council.

*Article 72.*¹ The National Council is composed of delegates of the Swiss people elected by reason of one member for twenty-two thousand souls of the total population. Fractions above eleven thousand are counted for twenty-two thousand.

Each canton and, in the divided cantons, each half-canton, elects at least one delegate.

*Article 73.*² The elections for the National Council are direct. They are held in accordance with the principle of proportionality, each canton or half-canton constituting a constituency.

Detailed provisions for the implementation of this principle shall be enacted by federal legislation.

Article 74. Every Swiss of above twenty years of age and who shall not have been deprived of his right of active citizenship by the legislation of the canton in which he has his ordinary residence, shall have the right to take part in elections and votes.

However, the uniform exercise of this right may be determined by federal legislation.

Article 75. Every lay Swiss citizen having the right to vote is eligible for membership in the National Council.

*Article 76.*³ The National Council is elected for four years and its membership is completely renewed at every election.

*Article 77.** The members of the Council of States, of the Federal Council and the officials appointed by the latter Council cannot at the same time be members of the National Council.

*Article 78.** The National Council chooses for each ordinary or extraordinary session a president and a vice-president from among its members.

The member who has been president during an ordinary session cannot, at the next ordinary session, become president or vice-president.

The same member cannot be vice-president during two ordinary consecutive sessions.

¹ As amended on March 15, 1931.

² As amended on October 13, 1918.

³ As amended on March 15, 1931.

When votes are equally divided, the president has a casting vote; in all elections, he votes as other members.

*Article 79.** The members of the National Council receive an indemnity payable by the federal treasury.

B. Council of States.

*Article 80.** The Council of States is composed of forty-four delegates of cantons. Each canton chooses two delegates; in the divided cantons, each half-canton elects one.

*Article 81.** The members of the National Council and of the Federal Council cannot be delegates to the Council of States.

*Article 82.** The Council of States chooses a president and a vice-president for each ordinary and extraordinary session from among its members.

Neither the president nor the vice-president can be elected from among the delegates of the canton from which the president has been chosen for the immediately preceding ordinary session.

The delegates of the same canton cannot become vice-presidents during two consecutive ordinary sessions.

When the votes are divided, the president has a casting vote; in all elections, he votes as other members.

*Article 83.** The delegates to the Council of States receive an indemnity payable by the cantons.

C. The Province of the Federal Assembly.

*Article 84.** The National Council and the Council of States deal with all matters which the present Constitution places within the province of the Confederation and which are not attributed to another federal authority.

Article 85. The matters within the province of the two Councils are in particular the following:

1. Laws relating to the organization and the method of election of federal authorities.
2. Laws and ordinances relating to the matters which the Constitution places within the province of the Confederation.

3. The salaries and the compensation payable to federal authorities and to the federal chancery; the creation of permanent federal offices and the determination of the salaries attached thereto.

4. The election of the Federal Council, of the Federal Tribunal and of the chancellor, as well as of the general-in-chief of the federal army.

Other rights of election and confirmation may be attributed to the Federal Assembly by federal legislation.

5. Alliances and treaties with foreign states, as well as the approval of treaties concluded by the cantons with each other or with foreign states; however, cantonal treaties shall be brought before the Federal Assembly only when the Federal Council or another canton protest against them.

6. Measures for external security, as well as for the defense of the independence and of the neutrality of Switzerland; declarations of war and the conclusion of peace.

7. The guarantee of the constitutions and of the territory of the cantons; intervention as a result of this guarantee; measures for the internal security of Switzerland, for the maintenance of peace and order; the granting of amnesties and pardons.

8. Measures to secure the respect of the federal Constitution and the guarantee of cantonal constitutions, as well as those tending to assure the accomplishment of federal duties.

9. The right to dispose of the federal army.

10. The establishment of the annual budget, the approval of the accounts of the state and the ordinances authorizing loans.

11. The supreme supervision over federal administration and justice.

12. Appeals from decisions of the Federal Council relating to administrative disputes (article 113).

13. Conflicts of competence between federal authorities.

14. The revision of the federal Constitution.

*Article 86.** The two Councils assemble once every year, in ordinary session, on the day fixed by the regulations.

They are summoned in extraordinary session by the Federal Council on the demand of either a fourth of the members of the National Council or of five cantons.

*Article 87.** A Council shall not do business unless the absolute majority of the total number of its members are present.

Article 88. In the National Council and in the Council of States, decisions shall be taken by the absolute majority of the members voting.

Article 89. Federal laws, decrees and ordinances can be enacted only with the consent of both Councils.

Federal laws are submitted to the approval or rejection of the people if thirty thousand qualified voters or eight cantons demand that they should be. The same rule applies to federal ordinances when they are of general importance and not of an urgent character.

International treaties concluded for an indefinite period or for more than fifteen years are also submitted to the approval or rejection of the people if thirty thousand qualified voters or eight cantons demand that they should be.¹

Article 90. The forms to be observed and the dates to be fixed for popular votes shall be determined by federal legislation.

*Article 91.** The members of the two Councils vote without instructions.

*Article 92.** Each Council sits separately. However, in case of the elections mentioned in article 85, number 4, for the purposes of exercising the right of grace and of deciding a conflict of competence (article 84, number 13), the two Councils sit in joint session under the chairmanship of the president of the National Council and the decisions are taken by the majority of both Councils voting together.

*Article 93.** Both Councils and each of their members enjoy the right of initiative.

The cantons can exercise the same right by correspondence.

*Article 94.** As a rule, the sessions of the Councils are held in public.

II. *Federal Council.*

*Article 95.** The supreme directorial and executive authority of the Confederation is exercised by a Federal Council of seven members.

¹ As amended on January 30, 1921.

*Article 96.*¹ The members of the Federal Council are chosen for four years by the Councils sitting in joint session, and selected from among the Swiss citizens eligible to the National Council. However, not more than one member of the Federal Council can be chosen in the same canton.

The members of the Federal Council are all subject to re-election, after every reëlection of the National Council.

When a vacancy occurs in the course of the four years, it is filled for the remaining period of the term of office at the first session of the Federal Assembly.

*Article 97.** During their continuance in office, the members of the Federal Council may exercise no other office, either in the service of the Confederation or of a canton, nor pursue any other career or exercise any profession.

*Article 98.** The Federal Council is presided over by the president of the Confederation. There is a vice-president.

The president of the Confederation and the vice-president of the Federal Council are elected for one year by the Federal Assembly from among the members of the Council.

The retiring president shall not be elected president or vice-president for the following year.

The same member cannot hold the office of vice-president during two successive years.

*Article 99.** The president of the Confederation and the other members of the Federal Council receive an annual salary from the Federal treasury.

*Article 100.** The Federal Council cannot do business except when at least four of its members are present.

*Article 101.** The members of the Federal Council have the right of discussion without that of voting in the two sections of the Federal Assembly, as well as the right to make propositions concerning the matters under discussion.

Article 102. The powers and duties of the Federal Council, within the limits of the present Constitution, are in particular the following:

1. It directs the federal affairs, in conformity with the laws and ordinances of the Confederation.

¹ As amended on March 15, 1931.

2. It attends to the observation of the Constitution, of the laws and decrees of the Confederation, and to the provisions of federal agreements; on its own initiative or on request, it takes the necessary measures to secure their observation, when the complaint is not one of those which shall be brought before the Federal Tribunal, in accordance with article 113.

3. It attends to the guarantee of the cantonal constitutions.

4. It presents draft laws and ordinances to the Federal Assembly and expresses its opinion on proposals addressed to it by the Councils or by the cantons.

5. It secures the execution of the laws and ordinances of the Confederation and that of the judgments rendered by the Federal Tribunal, as well as of the compromises reached or the arbitral sentences rendered on disputes between cantons.

6. It makes the appointments which are not attributed to the Federal Assembly or to the Federal Tribunal or to another authority.

7. It examines the treaties concluded by the cantons between themselves or with foreign states and approves them when they give rise to no objection (article 85, number 5).

8. It watches over the interests of the Confederation abroad, particularly over the observation of its international relations and it is in general entrusted with the direction of foreign relations.

9. It watches over the external safety of Switzerland, the maintenance of its independence and of its neutrality.

10. It watches over the internal safety of the Confederation, the maintenance of peace and of order.

11. In case of emergency and when the Federal Assembly is not in session, the Federal Council is authorized to raise the necessary troops and to dispose of them, while immediately summoning the Councils if the number of troops raised exceeds two thousand men or if they remain under arms for more than three weeks.

12. It is responsible for everything that concerns the federal army and all the other branches of the federal administration.

13. It examines the laws and ordinances of the cantons which shall be submitted to its approval; it supervises all branches

of the cantonal administration which are placed under its control.

14. It administers the finances of the Confederation, proposes the budget and renders the accounts of receipts and expenditure.

15. It supervises the administration of all officials and employees of the federal civil service.

16. It reports on its administration to the Federal Assembly at each ordinary session. It presents a report on the situation of the internal and external situation of the Confederation and recommends the measures which it deems useful for the enhancement of the common prosperity.

It also presents special reports when the Federal Assembly or one of the sections demand it.

*Article 103.*¹ The matters dealt with by the Federal Council are distributed among its members by departments. Decisions are taken by the Federal Council as authority.

By the federal legislation, the departments or the services which depend on them may be authorized to settle certain matters themselves, subject to a right of appeal.

The federal legislation fixes the cases in which the right of appeal may be exercised by an administrative federal tribunal.

*Article 104.** The Federal Council and its departments are authorized to call upon experts for special matters.

III. *Federal Chancery.*

*Article 105.*² A federal chancery, at the head of which is placed the chancellor of the Confederation, is entrusted with the secretariat of the Federal Assembly and with that of the Federal Council.

The Chancellor is elected by the Federal Assembly for a term of four years at the same time as the Federal Council.

The chancery is placed under the special supervision of the Federal Council.

The federal law shall determine the organization of the chancery.

¹ As amended on October 25, 1914.

² As amended on March 15, 1931.

IV. *Federal Tribunal.*

*Article 106.** There is a Federal Tribunal for the administration of justice in federal matters.

Furthermore there is a jury for criminal matters (article 112).

Article 107. The members and deputy-members of the Federal Tribunal are elected by the Federal Assembly, which shall see to it that the three national languages are represented therein.

The law determines the organization of the Federal Tribunal and of its sections, the number of its members and deputy-members, their term of office and their salary.

Article 108. Every Swiss citizen eligible to the National Council may be elected to the Federal Tribunal.

The members of the Federal Assembly and of the Federal Council and the officials appointed by these authorities cannot at the same time belong to the Federal Tribunal.

The members of the Federal Tribunal shall not, during their continuance in office, exercise any other office, either in the service of the Confederation or of a canton, nor pursue any other career or exercise any profession.

*Article 109.** The Federal Tribunal organizes its chancery and appoints the personnel thereof.

Article 110. The Federal Tribunal has jurisdiction over disputes of civil law:

1. Between the Confederation and the cantons;
2. Between the Confederation on the one hand and public corporations or private individuals on the other, when such public corporations or such individuals are plaintiffs and when the dispute presents a degree of importance to be determined by federal legislation;
3. Between cantons;
4. Between cantons on the one hand and public corporations and individuals on the other, when one of the parties requires it and when the dispute reaches a degree of importance which shall be determined by federal legislation.

It further has jurisdiction over disputes concerning state-

lessness, as well as those which arise between communes of different cantons relative to the right of citizenship.

Article 111. The Federal Tribunal shall also have jurisdiction over other cases when the parties agree to submit such cases to it and when the object in dispute reaches the degree of importance to be determined by the federal legislation.

Article 112. The Federal Tribunal, sitting with the assistance of a jury which shall determine facts, has jurisdiction in criminal matters:

1. Over cases of high treason concerning the Confederation, of revolt or violence against federal authorities;
2. Over crimes and offences against the law of nations;
3. Over crimes and political offences which are the cause or the consequence of disorders occasioning an armed federal intervention;
4. Over charges made against officials appointed by the federal authority at the request of such an authority.

Article 113. Furthermore the Federal Tribunal has jurisdiction:

1. Over conflicts of competence between federal authorities on the one hand and cantonal authorities on the other;
2. Over conflicts between cantons when these conflicts concern public law;
3. Over claims in violation of the constitutional rights of the citizens, as well as over claims of individuals in violation of intercantonal agreements and of treaties.

Administrative conflicts to be determined by the federal legislation are reserved.

In all the above mentioned cases the Federal Tribunal shall apply the laws voted by the Federal Assembly and the ordinances of that Assembly which are of a general nature. It shall also apply the treaties which the Federal Assembly shall have ratified.

Article 114. Aside from the cases mentioned in articles 110, 112 and 113, other matters may be placed within the jurisdiction of the Federal Tribunal by the federal legislation; this tribunal may in particular be entrusted with powers intended to

assure the uniform application of the laws provided for under article 64.

IV *bis*. *Administrative and disciplinary federal jurisdiction.*¹

Article 114 bis. The federal administrative tribunal shall have jurisdiction over the federal administrative disputes which may be referred to it by federal legislation.

It also has jurisdiction over disciplinary matters of the federal administration which may be referred to it by the federal legislation, in so far as these matters shall not have been referred to a special jurisdiction.

The administrative tribunal shall apply the federal legislation and the treaties approved by the Federal Assembly.

The cantons have the right, subject to the approval of the Federal Assembly, to entrust the federal administrative tribunal with jurisdiction over cantonal administrative conflicts.

The organization of the federal administrative and disciplinary judiciary, as well as its procedure, shall be determined by law.

V. *Various Provisions.*

*Article 115.** Everything that concerns the seat of the authorities of the Confederation shall be settled by federal legislation.

*Article 116.** The three principal languages spoken in Switzerland, German, French and Italian, are national languages of the Confederation.

*Article 117.** The officials of the Confederation are responsible for their administration. A federal law shall determine what concerns this responsibility.

CHAPTER III ²

REVISION OF THE CONSTITUTION

Article 118. The federal Constitution can at all times be revised *in toto* or in part.

¹ Amendment adopted on October 25, 1914.

² Amendment adopted on July 5, 1891.

Article 119. The total revision shall take place in the forms fixed by federal legislation.

Article 120. When a section of the Federal Assembly decides the total revision of the federal Constitution and when the other section does not agree to it, or when fifty thousand qualified Swiss voters demand the total revision, the question whether the federal Constitution shall be revised shall be submitted to the vote of the Swiss people by ayes and nays in one case as in the other.

If, in one or the other of these cases, the majority of Swiss citizens taking part in the vote reply affirmatively, the two Councils are reelected with a view to preparing the revision.

Article 121. The partial revision may take place either as a result of the popular initiative or according to the forms fixed by federal legislation.

The popular initiative consists in a request presented by fifty thousand qualified Swiss voters who demand the adoption of a new constitutional article or the abrogation or amendment of specified articles of the Constitution in force.

If, by means of a popular initiative, various different provisions are presented for amendment or for introduction into the federal Constitution, each one of them shall form the object of a distinct initiative demand.

The initiative demand may take the form of a proposal formulated in general terms or of an actually drafted proposal.

When the initiative demand is formulated in general terms, the federal chambers, if they approve of it, undertake the partial revision in the indicated sense and submit the proposal to the approval or rejection of the people and of the cantons. If, on the contrary, they do not approve it, the question of a partial revision shall be submitted to the vote of the people; if the majority of the Swiss citizens taking part in the vote decide affirmatively, the Federal Assembly shall proceed to the revision in conformity with the popular decision.

When the demand takes the form of an actually drafted proposal and the Federal Assembly approve it, the proposal shall be submitted to the approval or rejection of the people and of the cantons. If the Federal Assembly do not approve

it, they may draft a distinct proposal and recommend the rejection of the proposed draft to the people and submit their counter-project or proposal of rejection to the vote at the same time as the popular initiative proposal.

Article 122. A federal law shall determine the formalities to be observed for the popular initiative demands and for the votes concerning the revision of the federal Constitution.

Article 123. The amended federal Constitution or the amended part of the Constitution shall come into force when it will have been accepted by the majority of the Swiss citizens taking part in the vote and by the majority of the states.

In order to determine the majority of the states, the vote of a half-canton is counted for a half-vote.

The result of the popular vote in each canton is held to express the vote of the state.

IV

STATE CONSTITUTION OF THE CANTON OF BERNE

The people of the canton of Berne, by virtue of their sovereignty,

ENACT

THE CONSTITUTION *of which the provisions follow.*

PART ONE

SOVEREIGNTY. RIGHT OF SUFFRAGE. EXERCISE OF THE RIGHT OF SUFFRAGE

Article 1. The canton of Berne is a democratic republic and one of the states of the Swiss Confederation.

Article 2. The sovereignty resides in the whole people. It is exercised directly by the electors and indirectly by the authorities and the officials.

Article 3. The right of suffrage in cantonal matters is enjoyed by:

1° Every citizen of Berne who has completed his twentieth year, who has not been deprived of his civil and political rights according to the provisions of the law and who is domiciled in the canton;

2° Every Swiss citizen who fulfills the above conditions on the completion of three months' ordinary residence or six months' sojourn, to be counted from the day on which the residence or sojourn papers will have been issued.

Article 4. Are debarred from the right of suffrage:

1° Those who do not possess the qualifications mentioned in the preceding article:

2° the lunatics;

3° persons in receipt of public assistance, according to the special provisions of the law;

4° persons who have been debarred from frequenting public houses;

5° the Bernese and Swiss citizens who exercise their political rights in another canton or in a foreign state.

Article 5. As a rule elections are held in the municipal communes. The exercise of the right of suffrage shall as far as possible be facilitated by the law.

PART TWO

RIGHTS OF THE PEOPLE

CHAPTER I

REFERENDUM

Article 6. Shall be submitted to the vote of the people:

1° All amendments to the Constitution;

2° the laws; in every law, the provisions whose execution depends on a decision of the Great Council shall be specifically mentioned;

3° the popular initiative proposals according to article 9;

4° the decisions of the Great Council entailing a total expenditure of more than 500,000 francs for the same object;

5° the decisions relating to public loans; this provision does not apply to conversion loans nor to temporary loans which are repayable at the latest during the next fiscal year by means of current receipts;

6° every increase of a direct tax which more than doubles its standard rate; such increases shall always be decided for a fixed period;

7° the demand for the complete extraordinary renewal (re-

call) of the Great Council presented in conformity with the provisions of article 22.

Article 7. Popular votes usually take place twice a year, in the spring and in the autumn.

In the interval, the Great Council may, in case of emergency, decide to hold an extraordinary popular vote.

Article 8. Popular decisions shall be taken by a majority of the citizens voting in the canton.

CHAPTER II

INITIATIVE

Article 9. The right of initiative is the right of twelve thousand voters to demand that a law be prepared, abrogated or amended, or that an executive decree of the Great Council be abrogated or amended.

Initiative proposals may be presented in the form of a simple resolution or in the form of a draft bill.

When the right of initiative is exercised in the form of a simple resolution and when the Great Council does not implement the resolution itself, the people shall be consulted on the first or at the latest on the second following day of ordinary vote (article 7, § 1). If the resolution is accepted, it shall be implemented by means of a law.

If the right of initiative is exercised in the form of a draft bill, the Great Council shall submit it to the people on the first or at latest on the second following day of ordinary vote (article 7, § 1). The bill, if accepted by the people, shall take the form of a law.

The Great Council may address a message to the voters in order to explain its opinion on the resolution if it does not see fit to implement it, or on the draft bill.

PART THREE

AUTHORITIES OF THE STATE

CHAPTER I

GENERAL PROVISIONS

Article 10. Throughout the administration of the state, the administrative and judiciary powers shall be divided.

The provisions of article 49 shall be reserved.

Article 11. The following offices may not be filled by the same person:

1° An administrative and judicial office; the office of a judge on the administrative court (article 40, § 2) is reserved;

2° two administrative or judicial offices, of which one is subordinated to the other.

The other cases in which the holding of several offices is forbidden shall be determined by the law.

Article 12. The following persons may not at the same time hold any office in the state with the exception of the Great Council:

1° Relatives in the direct line of descent or ascent;

2° the father-in-law and the son-in-law;

3° the own and half-brothers;

4° brothers-in-law;

5° the uncle and nephew of the same ancestry.

Nor may persons related by blood or by marriage in the above degree at the same time hold administrative or judiciary offices of which one would be subordinated to the other (article 11, n° 2).

The dissolution of marriage does not suppress the exclusion for reasons of relationship.

Article 13. Every active citizen is eligible to the Great Council as well as to the administrative and judiciary offices mentioned in the Constitution at the end of his twentieth year. The special provisions of articles 33 and 59 below are reserved.

Article 14. No one can be appointed to a public office for life. The Constitution indicates the cases in which there may be no reelection.

Article 15. The authorities, officials and employees of the state are responsible for the acts committed in the exercise of their functions.

The civil actions to which this responsibility may give rise can be brought before the law courts directly against the state. However, they shall be receivable only if the plaintiff has shown that he has in vain addressed his claim to the superior executive authority at least thirty days before. The state reserves the right to apply for redress against the person at fault.

The application of these principles shall be regulated by law.

Article 16. No official or employee of the state can be removed from office or recalled except as the result of a judicial sentence.

The authority under whose supervision the official or employee is placed has the right to suspend him or to demand his removal or dismissal.

The application of these principles shall be regulated by law.

Article 17. The German and the French language are the national languages.

The laws, decrees, ordinances and orders of a general character shall be published. They shall be published in French and in German in the French part of the canton. The original text is the German text.

The decisions, ordinances, sentences and official letters of superior authorities which concern persons or corporations belonging to the French part of the canton shall be drafted in French.

CHAPTER II

THE GREAT COUNCIL

Article 18. For the purposes of the election of the Great Council the cantonal territory shall be divided into constituencies as equal as possible.

Article 19. The members of the Great Council shall be elected by reason of one member for every three thousand ordinary residents. Every fraction above one thousand five hundred inhabitants shall also entitle the constituency to a representative.

The population shall be fixed by the last federal census.

Article 20. All ecclesiastical and civil offices salaried by the state, all offices held on the appointment of a state authority and all service relations with a foreign state are incompatible with the mandate of a member of the Great Council.

This incompatibility extends to the deputies of civil officials.

Article 21. Every four years the Great Council shall be subjected to a complete renewal of its members. The legislative session begins on the 1st of June and ends on the 31st of May of the fourth following year.

The general election shall be held before the end of the legislative period.

All seats which may become vacant in the interval shall be immediately filled.

Article 22. The Great Council shall be submitted to a complete extraordinary renewal of its members when it is so decided by a popular vote.

The Great Council shall decide the holding of such a vote (article 7, § 2), as soon as twelve thousand voters demand it in the form regulated by law.

Article 23. The members of the Great Council are representatives of the whole of the people and not of the constituencies which have elected them. They may not receive any instructions.

Article 24. The members of the Great Council shall receive subsistence and travelling allowances.

Article 25. Every year the Great Council shall elect its chairman who shall not be reëligible on the following year.

The chairman of the Great Council has at all times the right to inform himself of the deliberations of the executive Council. He shall receive an allowance for the functions of his office.

Article 26. The Great Council, as supreme authority of the state, has the following powers:

1° To discuss all matters which shall be submitted to the people;

2° to issue ordinances;

3° authoritatively to interpret all laws and ordinances;

4° to conclude or ratify treaties with other cantons or with foreign countries (articles 7 and 9 of the federal Constitution), in so far as these treaties are not of a legislative character;

5° to exercise the rights conferred upon the cantons by articles 86, 89 and 93 of the federal Constitution (summoning of the Federal Assembly, referendum and initiative);

6° to dispose of the cantonal troops within the limits fixed by the federal Constitution;

7° to exercise supervision over the administration of the state; to approve the annual accounts of the state and the reports on its administration;

8° to vote the annual budget and to decide on the rate of taxation within the limits fixed by article 6, n° 6;

9° to vote the expenses which are not superior to 10,000 francs for the same matter and which do not exceed the sum mentioned in article 6, n° 4;

10° to vote on all reduction of the estate of the state; a decision of this nature is valid only if it is taken by the majority of all the members of the Great Council;

11° to vote conversion loans and temporary loans repayable at the latest by means of current receipts during the following fiscal year;

12° to ratify all contracts for the purchase or sale of real estate owned by the state, when the price of purchase or of sale exceeds 10,000 francs;

13° to elect the members of the Council of States and to hold all other elections which are conferred upon it by the Constitution or by law;

14° to set up public offices and to fix the salaries attached thereto;

15° to decide on contested elections of officials elected by the people as well as on contested appointments made by the Executive Council or by the Supreme Court;

16° to decide on conflicts of jurisdiction which may arise between superior administrative and judiciary authorities;

17° to grant amnesties and to exercise the right of grace in so far as this right has not been delegated to another authority by the law;

18° to naturalize foreigners and, if the law requires it, to naturalize Swiss of other cantons;

19° to adopt regulations for its own discussions and internal organization.

The regulations thus adopted shall provide for a fair representation of the minority in the bureau of the Great Council and in its commissions.

Article 27. The Great Council shall not delegate the powers expressly attributed to it by the Constitution to another authority.

Article 28. The presence of the majority of the members of the Great Council is a necessary condition for the validity of its discussions and of its decisions.

Article 29. Every bill is submitted to two readings by the Great Council. During the interval between these readings, the bill shall be brought to the attention of the voters. The Great Council shall in every case decide on the method of publication adopted therefor.

Article 9 remains reserved.

Article 30. Every member of the Great Council has the right to demand in writing that a matter be discussed.

He has also the right, during the meeting of the Great Council, to ask for information concerning any matter relating to the administration of the state.

The members of the Great Council cannot be prosecuted for speeches made at its meetings. They are responsible only to the Great Council.

No member can be arrested or prosecuted for a crime during the sessions without the authorization of the Great Council, except if apprehended in the very act.

Article 31. As a rule the meetings of the Great Council are held in public.

Its discussions, the budget of revenue and expenditure, the

state of the public estate as well as the state accounts shall be communicated to the people in extracts as full as possible.

Article 32. The Great Council regularly meets twice a year. It is summoned for an extraordinary session when its chairman or the Executive Council deems it necessary or when twenty members apply for an extraordinary session by a written request.

The summons are issued by the chairman.

The Great Council adjourns or closes its meetings when it deems it advisable.

CHAPTER III

ADMINISTRATIVE AUTHORITIES

Article 33. The government of the canton of Berne is entrusted to an Executive Council of nine members.

The members of the Executive Council are elected by the people.

For the purposes of this election, the canton is constituted into one constituency.

The minority shall enjoy a fair representation in the Executive Council.

A member of the Executive Council cannot be the head of the same department (article 44 of the cantonal Constitution) during more than two complete and consecutive periods dating from the complete renewal of this body.

Article 34. The elections of the Executive Council take place at the same time and for the same period as the complete renewal of the Great Council (article 21 of the cantonal Constitution).

If, in the course of a period, any vacancies should occur, they shall as a general rule be filled at the following popular election (article 7 of the cantonal Constitution).

He who, on the first ballot, receives an absolute majority of the votes validly polled, is elected.

If the number of candidates having received an absolute majority is superior to the number of posts to be filled, the election is decided by the greatest number of votes. If no complete result is achieved on the first ballot, a second ballot will be held,

in absolute freedom, and those having obtained the most votes shall be elected.

The Executive Council takes the necessary measures for the elections.

The direct election of the Executive Council shall take place for the first time at the complete renewal of 1906.

Article 35. The Great Council every year elects the chairman and vice-chairman of the Executive Council from among the members of this body.

The chairman shall not be reëligible for the next year.

Article 36. The Executive Council is responsible for the administration of the state within the limits of the Constitution and of the laws.

Article 37. It appoints the authorities and officials subordinated to it of which the Constitution or the laws do not confer the appointment to the people or to another authority.

Article 38. It is responsible for the execution of the laws, decrees and decisions of the Great Council and of the definitive judgments of the courts.

Article 39. It watches over the security of the state in its relation to foreign countries within the limits established by the federal Constitution, and over the maintenance of internal peace and order.

In order to meet an emergency, it may provisionally dispose of the army, give orders and issue comminatory criminal orders. However, it shall immediately advise of its measures the Great Council, which shall take the subsequent decisions.

Article 40. It shall definitively settle all administrative disputes which the law has not placed within the final jurisdiction of the prefects or within that of a special administrative court.

Article 41. The Executive Council shall draft the bills, decrees and prepare the other matter which it proposes to submit to the Great Council or on which this authority has requested it to express its opinion.

Article 42. It shall attend the meetings of the Great Council and report on all the matters submitted to it by the latter body or concerning which it has been asked for its opinion; it shall have the right to require a matter to be discussed.

This right also belongs to each of the individual members of the Executive Council.

During elections and in other cases, the members of the Executive Council shall withdraw as often as the Great Council demands it.

Article 43. Every year and during the interval as often as the Great Council shall demand it, the Executive Council shall report on its administration.

Article 44. For the preliminary examination of matters to be dealt with and for the execution of the orders received, the departments among which the various branches of the administration are divided shall be subordinated to the Executive Council.

Each department shall be administered by a member of the Executive Council.

The powers and organization of these departments as well as the organization of the cantonal chancery shall be fixed by an ordinance of the Great Council.

Article 45. A prefect shall be placed at the head of each district.

The Great Council may by an ordinance provide for a special organization of the prefecture of the district of Berne.

The term of office of the prefects is four years.

When the office of a prefect becomes vacant during the interval, it shall be filled for the rest of the period.

Article 46. The prefect shall be elected by the voters of the district.

Article 47. The prefect is responsible, under the direction of the Executive Council, for everything which pertains to the executive and administrative order of his district as well as for the police.

The powers of the prefects shall be fixed more fully by the law.

Article 48. Every decision concerning administrative disputes and every ordinance of the administrative authorities concerning individuals or corporations shall contain the reasons thereof.

CHAPTER IV

JUDICIAL AUTHORITIES

Article 49. The administration of civil and criminal justice is entrusted to the courts set up by virtue of the Constitution.

The administrative authorities of the state and of the communes may be entrusted by law with jurisdiction over certain criminal matters.

Article 50. In principle and as a general rule the procedure for the examination of cases to be tried before the courts shall be public and oral. Exceptions shall be provided for by the law.

All the judgments and sentences handed down shall contain the reasons thereof.

Article 51. No judicial sentence can be annulled or modified by the legislative authority or by an administrative authority, subject to the provision of article 26, n° 17.

Article 52. There shall be a Supreme Court for the whole of the canton.

Article 53. The members and deputy-members of the Supreme Court are elected by the Great Council.

Their terms of office are eight years.

There shall be elections for some of them every four years.

The vacancies arising in the interval shall be filled by elections for the rest of the term of office.

Article 54. The president of the Supreme Court is elected from among the members of the court for four years by the Great Council.

Article 55. The members of the Supreme Court shall take part in the meetings of the Great Council for the discussion of laws whenever they shall be requested to do so.

Article 56. In the districts, the judicial power shall be exercised by district courts and by the presidents of these courts.

Article 57. The president as well as the members and ordinary deputy-members of the district courts shall be elected by the voters of the district.

Their terms of office shall be four years.

In case of vacancy arising during the interval, the offices shall be filled by election for the rest of the period.

Article 58. The members and deputy-members of district courts shall receive an allowance as fixed by an ordinance of the Great Council.

Article 59. The members and deputy-members of the Supreme Court shall be familiar with both national languages; furthermore, they, as well as the presidents of the district courts, shall hold a lawyer's or a notary public's license of the canton of Berne.

Article 60. Boards of arbitration and commercial courts may be set up by law.

Article 61. The administration of criminal justice shall be entrusted to the courts sitting with the assistance of a jury.

All political offences and all press offences mentioned in the law shall be tried by a jury.

Article 62. The organization of the courts and of the jury as well as their jurisdiction shall be determined by the law.

In the districts in which the ordinary organization of the judicial authorities shall be insufficient, it may be regulated according to special rules by an ordinance of the Great Council.

PART FOUR

COMMUNES

Article 63. The present divisions of the territory of the canton into communes and parishes is maintained.

The formation of new communes or parishes, the fusion of existing communes or parishes and changes in the present constituencies shall be determined by an ordinance of the Great Council rendered after consultation of the interested parties. If the application of such an ordinance gives rise to disputes concerning communal estates, they shall be settled by the administrative authorities (article 40).

Article 64. Communal citizenship is the basis of cantonal citizenship.

The law shall determine the public effects of communal citizenship as well as the conditions under which it can be obtained and renounced.

The provisions of the federal legislation on Swiss nationality are reserved.

Article 65. The law shall regulate the organization of the communes.

Article 66. The communes shall elect their authorities.

Article 67. The communal council and its president are the executive and police authorities of the commune.

Article 68. The estates of the communes, of the communes of origin ("bourgeoisies") and of other public corporations belong to them as private property. They shall be administered by their respective owners.

The revenue derived from these estates shall continue to be employed according to the purpose for which it is earmarked. The present contributions made by the communes of origin and the communal corporations for the relief of their indigent members shall in principle be maintained.

All the estates of the public corporations shall be administered under the supreme supervision of the state.

The communes of origin and communal corporations alone decide on the admission of new members.

Article 69. The present mixed communes shall be maintained. They may no longer be separated into municipal communes and communes of origin.

Article 70. The communes of origin and communal corporations may turn over their estate to the commune, the rights of special foundations being reserved, or they may employ their revenue for purposes of public utility.

Article 71. All the communal regulations shall be submitted to the approval of the government. The latter may, for particular reasons, allow for exceptions to the general rule in the matter of the organization of their authorities.

The communes may insert penal provisions into their regulations in order to secure their execution.

PART FIVE

GENERAL PRINCIPLES AND GUARANTEES

Article 72. All citizens are equal before the law.

The state recognizes no privilege of place, of birth, of person or of family.

Nor does it recognize any title of nobility.

Article 73. Individual freedom is guaranteed.

No one may be arrested except in the cases and according to the formalities provided for by the law.

The law shall fix the indemnity payable to the victim of an illegal or unjustified arrest.

Article 74. All useless harshness in arrests or during imprisonment and all violence for purposes of provoking a confession are forbidden.

Article 75. No one may be withdrawn from his natural judge.

Article 76. Private residences are inviolable.

No public official or police agent shall enter the residence of a citizen except in the cases and according to the formalities prescribed by law.

All attempts to enter a private residence contrary to the law may be resisted. The necessary prescriptions shall be provided for by the law.

Article 77. The right to express one's thoughts by words, in writing, in the press and by means of symbols is guaranteed.

The law shall determine penalties to punish abuse of this freedom.

Censorship and all other preventive measures are for all times forbidden.

Article 78. The right of petition is guaranteed.

Article 79. Public associations and meetings which are not illegal by reason of their aims or their means shall neither be interfered with nor prohibited.

Article 80. Every citizen of the canton shall be allowed to settle in any part of the cantonal territory without being held to any payments or services other than those required of the

local citizens, on the deposit of his records of origin or of equivalent papers and on the payment of a moderate inscription fee. This authorization is subject to the legal provisions concerning the residence of relief and the sending back of persons who become permanent public charges.

The establishment of citizens of other cantons is provided for by the federal Constitution.

Article 81. The free exercise of agriculture, trade and industry is guaranteed. This freedom may be restricted within the limits fixed by the federal Constitution.

Article 82. The state recognizes the principle of the day of dominical rest and issues regulations providing that no one shall be forced to do any excessive labor detrimental to his health.

Article 83. The freedom of belief and conscience is inviolable.

The exercise of civil and political rights shall not be limited by provisions or conditions of an ecclesiastical or religious nature of any kind.

No one may by reason of religious opinion free himself from the accomplishment of a civic duty.

No one shall be held to pay taxes whose yield is specially earmarked for the particular ecclesiastical expenses of a religious community to which he does not belong. The implementation of this principle rests with the law.

Article 84. The Evangelical Reformed Church, the Roman Catholic Church and the Catholic Christian Church are the national churches recognized in the parishes which adhere to these confessions.

Parishes shall have the right to elect their officiating ministers.

The supreme authority of the Evangelical Reformed Church is a cantonal synod organized on a democratic basis, regulating the internal affairs of the Church and possessing a right of proposal and of advice in external matters.

A committee, organized according to the same principles and composed of laymen and of clericals, shall have the right of proposal and advice concerning the affairs of the Roman Catholic Church which interest the state.

The internal affairs of the Catholic Christian Church shall be

administered according to its constitution approved by the state. The right of proposal and advice concerning the external affairs of this Church shall be exercised by the competent ecclesiastical authority.

The right of vote and of eligibility shall belong only to the members of the respective churches.

The implementation of this principle rests with the law.

Article 85. The freedom of other forms of worship is guaranteed, within the limits of morals and of public order.

Article 86. The ecclesiastical right of "placet" is abolished.

The state may take measures necessary for the maintenance of order and of peace between the various religious communities and for the repression of attempts on the part of ecclesiastical authorities to violate its own rights and those of the citizens.

Article 87. The freedom of instruction is guaranteed, subject to the provisions of the law.

Everyone shall see to it that the children entrusted to his care receive the degree of instruction provided by the public primary schools.

The state and the communes shall be obliged to improve the popular schools as much as possible. The proportion in which the state and the commune shall contribute to them shall be determined by the law.

Primary instruction is placed under the exclusive direction of the civil authority. It is gratuitous in the public schools.

Public schools must be such as to be open to adherents of all faiths without their being exposed to suffer any infringement of their liberty of conscience and belief.

The state also provides for higher instruction.

The organization of the schools and of instruction in general, as well as the organization and the powers of the school boards shall be determined by the law.

Article 88. Foreign religious corporations and orders foreign to the canton and all affiliated societies are prohibited from settling on cantonal territory; furthermore no person belonging to one of these corporations, orders or societies may teach on the territory of the state without the authorization of the Great Council.

The provisions of article 51 of the federal Constitution remain reserved.

Article 89. All property is inviolable.

Expropriation for public utility purposes shall be allowed only on payment of a complete and if possible of a previous compensation to be fixed by the law courts.

Article 90. No real estate shall be, either by law, by contract or by a unilateral provision, encumbered with a quit rent or by any other non-redeemable charge.

Article 91. The duty of public relief is incumbent at once on private organized charity, on the communes and on the state.

The state shall take the necessary measures for suppressing as far as possible the causes of pauperism, for securing a fair distribution of the burdens of relief and for relieving the communal budgets.

If the funds charged on the ordinary revenue of the state in favor of indigents are insufficient, a special tax, earmarked for relief purposes, may be levied, providing it does not exceed a quarter of the direct tax.

The application of these principles and the organization of relief shall be regulated by law. The law may authorize the Great Council to levy the special tax earmarked for relief purposes.

Article 92. The law shall regulate everything concerning taxation.

PART SIX

REVISION OF THE CONSTITUTION

Article 93. The Constitution may be revised *in toto* or in part.

Article 94. A total revision of the Constitution may be demanded:

- 1° By the Great Council;
- 2° by fifteen thousand voters.

Article 95. As soon as a total revision is demanded, the Great Council shall submit the following question to the approval of the people:

1° Shall the revision of the Constitution take place? and, if so,

2° shall this revision be carried out by the Great Council or by a constituent assembly?

The revision of the Constitution is decided when a majority of the voters reply affirmatively to the first question. The second question is decided by the majority of the votes expressed.

Article 96. For its discussions on a draft Constitution, the Great Council follows the same procedure as for the discussion of the law. However, the second reading can take place only three months after the first. The people shall be informed of the draft Constitution after the first reading.

Article 97. If the people decide that the revision shall take place by means of a constituent assembly, the Executive Council shall without delay take the necessary steps for the election of such an assembly.

Article 98. The provisions of articles 18 and 19 above are applicable to the election of a constituent assembly.

Article 99. The Executive Council summons the constituent assembly and appoints a delegation to open its first meeting.

The assembly verifies the powers of its members and drafts rules for its organization.

Article 100. The draft adopted by the Great Council or by the constituent assembly shall be submitted to the people.

The revised Constitution shall come into force when it will have been accepted by the majority of the voters.

If a first draft is rejected, the body which elaborated it shall produce a new draft.

If a new draft is again rejected, the revision shall not be proceeded with; the last vote annuls the affirmative decision on the question of revision.

Article 101. By means of a partial revision, one or several articles of the Constitution may be amended or abrogated or new provisions may be introduced into the Constitution.

Article 102. The partial revision takes place by a legislative process (articles 9 and 96).

If the draft amendment or amendments have been elaborated by the Great Council, it or they shall be adopted after the first

and after the second reading only if approved by two thirds of the voters.

The number of signatures necessary for a revision demanded by popular initiative (article 9) shall be fixed to fifteen thousand.

Article 103. When a draft amendment is proposed by popular initiative by means of a simple resolution, the provisions of the Constitution to be amended or suppressed or the new provisions to be introduced in the Constitution shall be stated.

Article 104. If the draft of the Great Council or that put forward by popular initiative relates to several distinct objects, the people shall be called upon to vote separately on each of them.

PART SEVEN

TRANSITORY PROVISIONS

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Articles 105 to 110.

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PART EIGHT

FINAL PROVISIONS

Article 111. The Constitution is the supreme law of the state. No law, ordinance or decree shall be promulgated contrary to its provisions.

Article 112. The execution of the Constitution and the application of its principles in the legislative and administrative spheres are the first duty of the authorities of the state.

Article 113. The members of the authorities of the state and the officials shall, on entering into office, take the following oath:

"I promise and swear to respect the rights and liberties of the people and of the citizens, strictly to observe the Constitution and the constitutional laws, and faithfully and conscientiously to fulfill the duties of my office. May God assist me!"

Those persons whose convictions may prevent them from taking this oath shall in its place make the following promise:

"I promise on my honor and on my conscience to respect the rights and liberties of the people and of the citizens, strictly to observe the Constitution and the constitutional laws, and faithfully to fulfill the duties of my office."

BERNE, April 26, 1893.

In the name of the Great Council:

The chairman,

RITSCHARD.

The chancellor,

RISTLER.

V

PLATFORMS OF THE THREE LEADING FEDERAL POLITICAL PARTIES

THE RADICAL PARTY

(*Freisinnig-demokratische Partei*)

Program of April 25, 1931.

The Radical party of Switzerland seeks to enlist, in a great popular party, all liberally minded citizens of all professional classes and confessions, on the basis of the following program:

A. GENERAL PRINCIPLES OF THE PARTY

1. The Radical party of Switzerland pursues the promotion of the welfare of the people on the basis of freedom, equality and popular sovereignty.

It places the welfare of the community above the special interests of individual classes, economic groups and confessions.

2. The party stands in principle for private initiative and private property. However, it recognizes the necessity of certain collective institutions for the accomplishment of those public tasks which may better be accomplished by the state than by private initiative.

3. The party stands on an exclusively Swiss basis.

It recognizes only those regulations concerning the relations of the citizens to the state which are provided for by the laws of the state and it opposes all intervention which is not provided for by the Constitution and by the law.

4. The party takes its stand in favor of universal military service, for the protection of the independence and neutrality

of the Confederation, as well as for the protection of the rights and liberties of the citizens.

At the same time it deems it necessary that Switzerland shall, in conformity with her traditions and as a member of the League of Nations, support all endeavors to consolidate world peace, by promoting the idea of international law and particularly the development of compulsory arbitration.

5. The party takes its stand in favor of the national unity of Switzerland embodied in the Confederation for the accomplishment of the tasks which can be carried out only through the union of all national forces; it recognizes that living and strong cantons, as natural elements of Swiss life, constitute the necessary basis of the federal form of government.

6. The party pursues its political activities in the spirit of progressive democracy.

Within the framework of the laws willed by the people, the individual shall enjoy that measure of freedom which is compatible with the freedom of others.

7. The party is in favor of the independence and responsibility of the individual and of the natural community of individuals grouped in the family.

It considers the promotion of the free and harmonious development of the individual to be the best means for the enhancement of the public welfare. The state shall intervene only there, where self-help is insufficient.

8. The party considers education, provided for by the public school, politically and confessionally neutral, to be the indispensable condition for the protection of democracy and for the prosperity of the people. It considers the thorough training of the character, the mind and also the body of all free citizens to be the best guarantee for the exercise of democratic rights in the spirit of ethical maturity, self-discipline and collective responsibility.

9. The party is resolutely attached to the fundamental rights which it has achieved and which are firmly embodied in the history of our country, such as: the legal equality of the citizens, the freedom of belief and of conscience, the freedom of coalition and of the press, the freedom of establishment, the freedom of

trade and industry, as well as the freedom of scientific research.

10. The party respects every religious conviction and demands that its exercise be protected in so far as it does not offend against the Constitution and the law; it calls for mutual toleration between the confessions.

For the protection of religious peace, it defends the guarantees inscribed for this purpose in the federal Constitution and particularly also the institutions of civil marriage and the neutral public school.

11. The party considers freedom of trade and industry to be the basis of our economic policy and deems exceptions permissible only where they are in the interests of public welfare and general prosperity. The party combats all abuses in economic life, in particular the abuses of free competition.

The party demands an economic policy which shall conciliate the interests of producers and consumers, harmonizing them with the exigencies of public finance, on the basis of professional solidarity, and which shall take into account the interests of manufactures for export and for the home market, of the handicrafts, and of agriculture.

12. The party seeks to reconcile social antagonisms by means of social policies which, while taking into account Swiss conditions, shall rest on the solidarity of all the parts of the people, shall not undermine the will to individual responsibility, nor exceed the possibilities of the economic resources of the country.

It works for peace in the labor field and opposes the class struggle, which is undemocratic, contrary to social progress and destructive of the popular community.

B. DEMANDS OF THE PARTY

I. *State Policy*

1. Maintenance of a well trained and armed militia army.
2. Introduction of the federal legal initiative, respectful of the constitutional basis of the federal state.
3. Unification of the criminal law.

4. Limitation of excessive immigration. Enactment of the law provided for under article 47 of the federal Constitution concerning the establishment and the residence, as well as the political rights, of Swiss citizens outside their own country.

5. Enactment of the legal provision against double taxation provided for in article 46 of the federal Constitution.

6. Coöperation of the women in appropriate public tasks.

7. Protection of the family.

II. *Public Finances and Administration*

1. Defense of the financial equilibrium of the Confederation and of the federal railroads, with progressive funding of the extraordinary public loans resulting from war and post-war conditions.

2. Maintenance of fair financial relations between the Confederation and the cantons. Opposition to new direct federal taxation.

3. Opposition to bureaucratic excrescences. Promotion of measures of economy in the federal administration. Independent and effective control of the administrative accounts.

III. *Cultural Policies*

1. Promotion of civic instruction and education. Enlightenment on the tasks of the League of Nations.

2. Promotion of mutual respect and good relations between the various linguistic groups of the Swiss population, principally by improving the teaching of the national languages in the schools.

3. Consolidation of the relations between Swiss abroad and their native country, particularly by means of increased support for Swiss schools in foreign countries.

4. Promotion of higher education and of scientific research. Facilitated admission of the able poor to the Universities. Support for the recruiting of Swiss academic teachers in institutions of higher learning. Development of public libraries.

5. Improvement of public health (struggle against common diseases, housing, sanitation, etc.).

6. Support of the fine arts and of the artistic crafts. Scholarships for able poor candidates.

7. Development of athletics and healthy sports.

8. Protection of nature and valuable rural and urban sites against unnecessary intervention. Protection of historical sites and old works of art.

IV. *Social and Economic Policies*

A. GENERALITIES

1. Creation of a constitutional basis for a modernization of the economical and social legislation of the Confederation.

2. Creation of a customs legislation with reference to the financial and economic needs of the Confederation.

3. Federal regulation of the intercantonal poor relief system.

4. Development of the sickness insurance.

5. Improvement of public health (struggle against common diseases, housing, sanitation, etc.).

6. Introduction of invalidity insurance, with due account of the experiences of the old age and survival insurance, provided for under article 34 *quater* of the federal Constitution.

7. Prompt application of the constitutional provisions concerning alcoholic beverages.

8. Development of the protection for women and children.

B. PROFESSIONAL EDUCATION

1. Development of professional education and of the organization of official advisory agencies for the choice of a profession according to the economic needs of Switzerland. Application of the available public funds for the education of national laborers for the professions in which there is a lack thereof.

2. Improvement of the agricultural, industrial, commercial and general professional education of Swiss youth, with special reference to the poorer classes.

3. Promotion of the educational endeavors of the professional organizations of employers and laborers, by means of the development of and grants for lecture courses of a general and professional character.

4. Measures to make possible the sojourn abroad of young Swiss with a view to their linguistic and professional education.

C. AGRICULTURE

1. Total revision of the agricultural law of 1893 according to the demands of the present time. Revision of the system of federal grants to agriculture according to the principle of self-help, with special reference to agricultural training.

2. Promotion of agricultural credit organizations.

3. Promotion of and assistance for a repartitioning of agricultural property, of soil improvement and land surveys.

4. State measures to combat the flight from the land and to promote a rational solution of the agricultural labor question.

5. Promotion of insurance against damages resulting from natural causes.

6. Measures to improve the lot of the inhabitants of mountainous regions.

7. Struggle against epizootic diseases.

D. MANUFACTURES AND INDUSTRY

1. Completion of the industrial legislation against unfair competition and against abuses in the market traffic, in peddling and on the occasion of liquidation sales.

2. Recognition of the right of contractors to a fair price on the occasion of public tenders. Legislative provision for collective contracts on such occasions.

3. Assistance to the endeavors of handicraftsmen for self-help, promotion of credit and security organizations and assistance to the endeavors for the introduction of commercial methods.

4. Assistance to all endeavors for the improvement of exports

by the systematic development of the consular service and by grants to the publicity organizations of Swiss manufacturers.

5. Promotion of technical and economic research and of the commercial sciences.

E. LABOR LEGISLATION

1. Consolidation of the freedom of labor and of coalition.

2. Coöperation with the professional organizations of employers and laborers for the systematic pursuit of the conciliation of economic interests.

3. Promotion of conciliation by means of voluntary agreements between employers and laborers. Development of the legislation concerning collective contracts.

4. Improvement of the conditions of labor and of the domestic laborers.

5. Regulation of the hours of labor and of the conditions of labor in the crafts, with reference to the special needs of small scale industry.

6. Creation of a national unemployment insurance.

7. Extension of the compulsory invalidity insurance to all small scale industry works. More effective coöperation and consultation of professional organizations in the application of the invalidity insurance.

8. Development of employment exchanges for the regulation of the labor market; organization of employment.

9. Increased protection of laborers against economic disadvantages when called upon to perform compulsory military service.

10. Paid vacations for laborers when long in the service of their employers.

F. TOURIST TRAFFIC AND TRANSPORTATION

1. Promotion of the tourist traffic.

2. Federal regulation of the road traffic with the coöperation of the cantons. Promotion of the construction of transit and mountain roads.

3. Improvement of transport by aviation and internal navigation. Protection and promotion of fluvial communications with the sea.

4. Development of hydraulic resources. Rational organization of the internal distribution of electric power. Continuation of the electrification of the railroads. Development of double-track transport on important sections, without prejudice to the financial position of the Swiss federal railroads.

CATHOLIC CONSERVATIVE POPULAR PARTY

(Katholisch-konservative Volkspartei)

Program of April 4, 1929.

I. Generalities

A. SOCIAL ORDER

Our purpose is the establishment of a social order which will secure a moral community based on justice and charity and the general welfare of the people.

Christian social reform is based on the principles of the law of nature and of Christian morals, whose author is God and whose authoritative interpretation belongs to the doctors of the Church. Therefore all social endeavors should tend to fulfill the purpose of human destiny as established by God. The realization of a sound social order of peace and welfare is possible only through a return to the demands of the law of nature and to the saving forces of Christianity.

B. ERRONEOUS SYSTEMS

Economic liberalism and capitalism, as bases of an economic system dominated by capital and by unilateral private interests, are to be discarded.

Socialism and communism, based on materialism and leading to class trouble and class domination and thereby to the dissolution of the social body, are to be repudiated.

C. THE CHURCH

The Church, as the predestined guardian of the moral law, exercises a decisive influence on social and economic life. The Church excites the human conscience to respect the rights of others and faithfully to fulfill all personal, domestic, professional and political duties.

Therefore it is necessary fully to free, and as far as possible to promote the Church, its organs and its institutions.

II. *Man and Economics*

A. THE ESSENCE AND THE CHARACTER OF LABOR

According to God's plan, man is made the master of the fruits of the earth. He is therefore the center of the economic and social order. Intellectual and manual labor are the means by which he exercises his domination.

Economic labor, whose essence consists in the rational application of intellectual and manual effort and its economic consequences to the satisfaction of material needs, is a moral and a social duty.

B. WAGES AND PRICES

Human labor, as the service rendered by the individual endowed with reason and free will, is entitled to moral and social recognition and to a just remuneration.

Wages shall be such as to make possible an adequate and decent existence, and to cover all the material needs of the wage-earner and of his family.

The price of products shall be such as to allow for a just compensation for labor, capital and risk, and to make possible an assured existence for the person and family of the independent producer (in agriculture, handicraft, trade, etc.).

C. THE RIGHT OF COALITION

The right of coalition shall be guaranteed within the framework of morality and of general welfare. No one shall be

forced, for economic or political reasons, to join any organization which tends to establish a monopoly of organization and of labor, and whose fundamental purpose and tactics are in opposition to his convictions.

D. RATIONALIZATION

Rationalization tends to achieve highest productivity and the stabilization of production, security of employment, and the assured satisfaction of wants by means of a rational use of the various factors of production. Measures of rationalization shall also above all contribute to moralize the economic world, and to promote the solidarity of all individuals taking part in the productive process. The wage-earner shall have first call on the financial and physical advantages of rationalization.

E. ECONOMICS AND CONCENTRATION

The economic prosperity of a country and a sound political life rest principally on the greatest number of independent middle-class existences. These constitute the most powerful protection against dangerous economic concentration and against socialization, because they bind the possession of capital to the domestic community.

The movement tending towards economic concentration, inspired by one-sided capitalistic interests, the domination of capitalism over economic life, and the abuse of economic power and free competition, shall be resisted by professional organization, as well as by the development of the social and economic policies of the state.

F. PRIVATE PROPERTY

Divine Providence has ordained that the material fruits of the earth shall first of all serve for the satisfaction of the economic wants of all mankind. Private property is founded on the law of nature. The acquisition and the use of private property are

limited by morally and socially compulsory laws. The abuse of private property shall be combated in every form.

Altered economic circumstances, and especially the proletarianization and progressive decline of the economically independent strata of society, demand a juster and more equitable distribution of all earthly goods, in conformity with the natural purpose of the institution of private property and in the spirit of the *Encyclica Rerum Novarum* of Leo XIII.

The unlimited increase of unearned income and of usury in every form shall be impeded and made impossible by professional and political measures.

III. *The Family*

The family is the original cell of society and of the state. The life of the family is built upon and supported by Christian matrimonial and paternal law, the respect of the sanctity and indissolubility of marriage, and the religious education of youth.

To secure the economic and moral welfare of the family, appropriate measures shall be taken (family wages, reduction of taxes and burdens, protection of motherhood, of women in confinement and of newly born children, improvement of housing, promotion and consolidation of family property). The public powers shall assure the greatest possible protection to the community of the family and guard it against moral and economic dangers.

The harmonious coöperation of the family, the Church, the state and the profession, guarantees the establishment of a sound social order.

IV. *The Profession*

The economic order must rest on a community spirit and on the subordination of the individual and of the classes to the general welfare. An adequate organization based on the profession shall constitute the protection against the political, social and cultural dangers of the preponderance of capital. The professional organization shall unite, on a coöperative basis, all the

elements of the profession and make possible effective coöperation between them. The spiritual devotion of all to their professional duty shall secure the reconciliation of the classes and shall enhance the joy of work and professional productivity.

Legislative measures shall be taken to protect the professional community and, as far as possible, to enable it to administer it itself and to regulate professional relations by means of paritory institutions. Such institutions may be entrusted with tasks in the fields of collective contracts, regulation of wages, hours of labor, sanitary conditions, apprenticeship, social insurance, family banks and so forth.

It is the duty of the state to secure the necessary conciliation of interests between the various professions and social groups, and energetically to defend the interests of the general community.

The general community is based on the solidarity of all social strata and professional classes. The professional community is the appropriate agent of economic and social life. The professional community enhances social conscientiousness and promotes patriotism. The forces and the ability of the laboring population are enhanced and developed by the organization of the profession. The effective self-help of the people is made possible by professional and coöperative unions. Institutions of self-help, based on the original resources of the people, shall as far as possible take the place of political institutions.

The independent professional community shall be recognized by law and within it the free organization of the class (trade union) shall be legally guaranteed.

V. *The State*

A. THE PURPOSE OF THE STATE

The state has its origin in God and is subject, as the individual, to the divine moral law.

The state is entrusted with the duty of promoting and securing the general welfare, the protection of the rights of the individual, of the family, of the professional and social organiza-

tion, and of increasing material and spiritual goods. The state shall make possible the participation of all in the benefits of culture. The purity of morals, a well ordered family life, protection of religion and of law, moderate justly distributed taxation, the promotion of agriculture, trade and industry are the conditions of public welfare.

B. ECONOMIC POLICY

As the guardian of law and the promoter of general welfare, the state shall pursue appropriate policies in the economic sphere.

The economic policies of the state are justified and limited by the general welfare of the citizens.

The principal tasks of the state in the economic sphere are the defense and promotion of the economic independence of the country, the protection of private initiative and of the material prosperity of all classes and the struggle against the dangerous excrescences of the modern economic life. Economic policy must tend actively to mediate in the conflict of interests opposing producers and consumers, as well as the various classes of society. It must tend also to regulate the economic relations between the national and the international community, with special reference to the peculiar economic conditions and structure of our people.

C. SOCIAL POLICIES

The state has the right and the duty to pursue social policies.

Social political measures must tend in the first place to the improvement of the lot of the economically and socially weaker members of all classes.

It is the duty of the state to combat the abuse of economic power and the dangers inherent in the present economic system by means of its social policies and especially by an appropriate development of labor legislation, wherever the self-help of the individual, of private organizations and professional institutions are insufficient for these purposes.

State measures must therefore tend to secure private property, to protect an independent peasant class, to assure sufficient

wages and just prices, the protection of dominical rest, the limitation of the hours of labor, the prevention of strikes and boycotts, the regulation of child, female and domestic labor, of the work of private servants, and of the lodgings and housing question. However, the state shall not intervene in the private life of the citizens more than is necessary to combat an evil or to protect against a danger.

The state shall intervene to combat usury, dangerous private monopolies, dishonest and unregulated speculations on the stock exchange and elsewhere.

Every unjustified and unnecessary intervention of the state in the domestic and private economic relations of the people, especially every extension of state economics which is not called for by compelling cultural and economic reasons, and every unnecessary centralization, as well as the development of the bureaucracy shall be combated.

A professional and political order dominated by a Christian spirit demands the recognition of, and an equal respect for, all classes of the population. While providing for the defense of the justified special interests of individuals or classes, the state must always respect the general principles of a system of Christian social reform, extending to all members of the community. The responsible participation of all citizens in the tasks of our state must be promoted by education and enlightenment.

Swiss Catholics joyously participate in the general cultural destiny of the Swiss Confederation and respect all those traditional institutions which constitute the best protection of national peace and of our just freedom.

VI. *The International Community*

In the international sphere, respect is due to the Christian conception of the family of nations placed under the authority of law. This respect shall be based not only on utilitarian considerations, but on the divine moral law which demands a strong and binding organization of the world.

The goal to be pursued is that of an international organiza-

tion which integrates the nations into a society, based on justice and charity, which protects the freedom of each and maintains the social order.

In so far as the activities of the League of Nations serve these purposes, they shall be promoted and supported. In particular, it is imperative to insist on the development of the arbitration of international disputes and on their pacific settlement by all means.

In order effectively to promote and to secure the protection of the laborers, adequate international labor agreements shall be concluded. The coöperation and just representation of the Christian-social movement shall be demanded in the International Labor Organization.

The peace of the nations is based on social peace.

THE SOCIALIST PARTY

(Sozialdemokratische Partei)

Program of January 26 and 27, 1935.

PRINCIPLES

The final goal of socialism is a social order which, by the elimination of every form of exploitation, frees the people from misery and distress, secures prosperity, freedom and independence, and thereby lays the foundations on which the individual can develop freely and harmoniously and in which the whole people can rise to higher levels of culture.

The means for the achievement of this final purpose are to be found in the elimination of the domination of capital, in the transference of the means of production from monopolistic private ownership into the ownership of the people and in the substitution of a collective economy on a democratic basis for the capitalistic economic order.

The road to this goal leads over the union of all exploited classes into one uniform anti-capitalistic battle-front. To inspire this so-constituted alliance with a socialistic purpose, is to make possible the overthrow of the capitalistic class domination.

The anti-capitalistic forces find their leadership in the socialist movement. All their activities are to be directed against the class domination of the exploiters.

The whole history of the past is the story of continual class struggles. However, whereas the class struggles of the bourgeoisie had as their aims the consolidation and extension of class privileges, the laborers today contend for the elimination of every class domination and of every exploitation. Socialism is forced to combat the class domination of the exploiters in order to realize its purpose.

Its final goal, its ways and means, its efforts to realize the socialist democracy, make of socialism much more than a political party. As the party of the people, socialism is the standard-bearer of all the exploited classes in the great cultural struggle for the obtention of complete human rights and for the creation of a true popular community. Therefore the final goal of socialism is the suppression of the classes and the welfare and assured future of the whole people.

These principles are based on the following

CONSIDERATIONS:

I. THE BOURGEOIS SOCIETY

Economic Evolution

In the course of the last century, Switzerland has undergone a profound evolution during which the foundations of her economic and national existence have been completely revolutionized.

The economic evolution has transformed Switzerland from a peasant and petty-bourgeois community into an industrial country. Switzerland must import from abroad its raw materials and a great part of its necessary food stuffs, and she must seek abroad markets for her industrial products. For this reason, Swiss economic life is strongly influenced by all the fluctuations and shocks of the world market.

The triumph of the machine over the simple tool, and the triumph of manufactures over handicraft and small industry, have led to a thorough industrialization of the country. That is the basic cause of the structural changes of the Swiss economic body. Planlessness and anarchy of production are indissolubly linked up with the economics of capitalism. The capitalist class has lost the domination over the means of production. They have outgrown its mastery. Each individual entrepreneur is subject to the compelling law of competition. He must see that his products are produced ever cheaper, that his markets are consolidated and extended, and that he can eliminate his competitors in order not to be eliminated by them.

Where the entrepreneur seeks to regain his domination over production by means of cartels, syndicates and trusts, he transforms the competitive struggle between individuals into a ruthless fight within groups of entrepreneurs and between entire branches of economic effort. Thereby the antagonisms of competitive interests are rendered more acute, their foundations are extended, the planlessness and anarchy of production increased, the disproportion between the productive capacity of the body economic and its absorptive capacity is widened.

In the most recent period of this evolution, financial capital has asserted itself. Concentrated in the control of a relatively small class, it commands over foreign property and it dominates the credit system in all its branches. It obliges industry, agriculture, the crafts, commerce, and transportation to bow before its laws. It dictates to the state and to the communes the conditions of their financial administration, and it exercises a decisive influence over the economic and social life of the country, as well as over its international economic relations.

SOCIAL CONSEQUENCES

Capitalism opens up an ever deeper and broader rift in the people. It creates the opposition between the haves and the have-nots, between the beneficiaries of unearned income and the laboring masses who can live only on the direct or indirect sale of their labor power.

In the early periods of industrial development, capitalism tended to drive the laboring class to ever increasing misery. It considered this class as an easy prey for its exploitation. It forced men, women, and children into the slave work of the factory. It paid wages which even for super-humanly long hours of labor were insufficient to keep body and soul together. At the same time it boundlessly increased its unearned income.

Thus a great part of the Swiss people were brought into a condition of depression and of great dependence. By tens of thousands they restlessly roamed about, having neither country nor hearth.

The organization of the laborers in economical and political unions and their growing social consciousness led them increasingly to resist these conditions. By their own forces and through pressure exercised on the state, they succeeded in shortening their hours of labor, in increasing their wages, in improving their sanitary conditions of work, and thus in creating a life of greater freedom and more joy for the whole laboring class of the country.

These reforms could be wrested from capitalism because it was greatly increasing its productivity, extending its markets and enjoying a period of tremendous progress.

The World War suddenly put an end to this period of capitalistic progress. This war was the expression of the increasing disproportion between the planless and unchecked extension of the apparatus of production and the narrowing of the markets. The terrific conflict, which annihilated millions of men or made cripples of them, was unable to solve the problem. The consequence was a period of permanent depression accompanied by slight fluctuations embracing all the countries of the world and all the branches of economic activity.

ECONOMIC DECLINE

In this period of decline, the rich have grown richer, and the poor poorer.

The former social conquests have been jeopardized, policies tending to the social and cultural improvement of the masses

have been curtailed. Proletarianization and loss of economic independence have consequently increased. Three quarters of the Swiss population are today obliged to live by wage earnings.

However, capitalism has not only created the proletariat. It denies him a secure existence even as such. It closes the gates of factories and workshops, throws the laborer out into the street and the unemployed on the dole.

Unemployment has become a permanent mass phenomenon. It weighs down the wages of those who still have employment, it reduces the purchasing capacity of the people and the standard of life of all groups of the laboring masses.

Capitalism has destroyed the foundations of family life. It condemns women and children to wage slavery. It bursts the ties of the family, and makes it ever more difficult for the younger generation to constitute independent households.

Capitalism has reduced the intellectual worker, the engineer and the man of science to the level of the proletariat. Their lot is not different from that of the manual laborer. No more than the latter, are they protected against wage reduction and unemployment. Constantly increasing difficulties reduce their opportunities for making the most of their knowledge and ability.

Capitalism has made of the peasant the serf of his mortgagees and of the banks. It denies him a sufficient labor income and reduces him into a depressing state of debt and interest slavery.

Capitalism has deprived the handicraftsman of his competitive ability and has undermined his economic existence through factory production on a large scale, through concentration, rationalization and technicalization.

Capitalism, shaken by a lingering confidence crisis, endangers the laboriously achieved accumulations of the small saver. It often sacrifices them to the needs of private speculation and of the profit urge. It deprives the small fund-holder of his hopes of a modestly assured old age.

Men live in deprivation in the midst of overfilled granaries and increasing harvests.

Accumulation of those products, of which men stand in need, are destroyed in the interests of capital profit.

Millions of men are condemned to unemployment, misery and moral annihilation because production fails to offer capitalists sufficient possibilities of enrichment.

The permanent crisis cannot be overcome, because the control over financial capital and the means of production rests with the profit-seeking capitalist class and not with the community of the people. Through its internal contradictions, capitalism always anew creates conditions for the intensification of economic crises.

BOURGEOIS DEMOCRACY AND POLITICAL REACTION

The economic evolution, which brought with it the rise of capitalistic production, also gave birth to new forms of government. In the course of often bloody class struggles against aristocracy and guild domination, the bourgeoisie created for itself the modern bourgeois state. In most countries and particularly in Switzerland, this state realized the formal equality of the citizens before the law and set up parliamentary democratic institutions. The expansive needs of commerce and trade which, towards the middle of the nineteenth century, led to the creation of a series of large states, created the federal state in Switzerland after a brief civil war.

It was never the task of bourgeois democracy to suppress class antagonisms. Historically its purpose was to create a state of equilibrium between the political and economical forces, and to endow capitalism in its first forms with the necessary liberties.

This state of equilibrium had already been threatened by the battles of the laborers for the realization of political equality, for the protection of the right of coalition and of association, and by the application of ambitious social and cultural policies. It has been destroyed by the consequences of the permanent crisis.

Financial capital has extended its influence over the state by making the most of the precarious financial position of the latter. It seeks ever more to dominate the state.

Bourgeois and semi-bourgeois individuals, led astray desperadoes and dreamers, who seek their social ideals in the

return of the overthrown aristocratic *régime*, members of the middle classes who, although not conscious anti-capitalists, dimly feel that their decline is due to the domination of high finance, demand the transformation of the state.

Some of them have spread their sails towards the harbor of the authoritarian state and are prepared to suppress all democratic rights and liberties, political equality and all independent labor movements. Others dream of a coöperative state, of a professional order in which freedom of trade and industry will be denied and the economic functions of the state transferred to professional organizations and guilds.

Uncertain in their aims, disunited in their policy, they agree in combating democracy and the bourgeois state in its present structure and in its policies. They agree also in seeking to secure capitalist domination and exploitation by the creation of new authoritarian or fascistic forms of organization.

These tendencies arising out of the permanent crisis in the economic world, have found their political expression in the movement of the fronts, numerically weak, but well equipped with financial means drawn from obscure sources; not repudiating the most primitive methods of struggle, the fronts are the pace-makers of political reaction.

Authorized representatives of the bourgeois democracy seek the help of the fronts because they feel threatened by the growing movement of the masses of laborers reduced to misery. They seek to limit democracy and thereby to make advances to the fascists.

In these endeavors they are supported by petty bourgeois democrats, who under the pretence of saving democracy, wish to limit its rights. However, they invoke democracy against the fronts whenever the latter attack unpopular manifestations of capitalism.

It is not by thus fluctuating from one extreme to another that bourgeois democracy will be able to reëstablish the primitive equilibrium which has lost its historical basis. Nor do these hesitations spring from the will to defend the threatened rights and liberties of the people.

This fluctuating policy is the expression of the desire to de-

fend certain privileges. Its aim is to secure the domination of capitalism and to suppress the independent labor movement.

FASCISM

The movement of the fronts in Switzerland received its impulsion from the rise of fascism in neighboring countries.

The rise of fascism has created a new international situation. Fascism undermines all general notions of law. It ignores all good faith and the respect of the individual. It represses intellectual, political, and social freedom by the fascist dictatorship founded on terror, brutality and slavery. It threatens the international division of labor. It destroys international trade and creates new economic and cultural antagonisms between the states.

Fascism is the expression of the fall of the capitalist society. In all its varieties, it represents the desire to perpetuate class antagonisms and class domination and it implies the destruction of the independent labor movement.

Fascism constitutes a lasting menace for the pacific conciliation of the nations. It is a permanent danger of war.

The imperialistic policies of international financial capital and of the munitions industry favored wars principally to conquer extra-European markets, sources of raw materials, and opportunities for investment. Fascism enlarges these imperialistic endeavors, by propounding a policy of space, which tends to the direct or indirect incorporation of all territories susceptible of enriching a nation's economic domain and consolidating its social and military strategical position. This space policy leads to struggles between neighbors, transforms the middle classes and youth into representatives of the will to war and creates new causes of war through its new expansionist tendencies.

In countries with democratic political institutions, fascism is often a pretext for a policy of armaments which far exceed their financial and economic possibilities, and for the promotion of nationalistic tendencies. These tendencies which, under the cover of social solidarity, disguise a campaign of destruction against the independent labor movement, tend to deteriorate the

social position, to suppress the political rights of the people, and to shift an ever growing part of the fiscal burden onto its shoulders.

II. *The Road to Socialism*

CREATION OF A POPULAR MAJORITY

Economic distress and oppression in the capitalistic state, together with the realization of the historical necessity of the elimination of the latter, have led parts of the proletariat to organize themselves politically and professionally and to engage a continuous political and trade union struggle with the bourgeoisie. In this struggle they pursue a double aim: within the capitalistic order they seek to improve the lot of the laborers and to defend and to extend the rights and liberties of the citizens. However, they never lose sight of the ulterior socialistic goal, which can be attained only through the suppression of the capitalistic order.

In order to bring about socialism, social democracy must win over the majority of the people to its ideas and convictions.

The first step on the road to socialism is therefore to spread the understanding of socialist philosophy to ever increasing circles of the laboring and exploited masses, which constitute the great majority of the people, to extend the knowledge and develop the understanding of this philosophy, so that adherents of socialism shall be ready to stand by it in all conditions, to work for it and, if necessary, to defend it even with their blood.

The new socialistic majority of the people must be established:

by resolutely resisting every attack on social conquests,

by a continuous struggle for the development of social progress and by a distribution of the public financial burdens adapted to the economic capacity of the individual,

by the protection and the extension of the rights and liberties of the people,

by the struggle for the labor plan which, based on the facts created by economic development, systematically pursues the establishment of a socialist community, while taking into ac-

count historical circumstances and the structure of the body economic.

This defense and this struggle must always be conducted with a view to the final goal of socialism. They must be combined with the exposition of the capitalistic order, with the explanation of the social relations and contradictions, and with the demonstration that socialism alone, as a factor of evolution, is able to overcome these contradictions and class antagonisms and to establish the real community of the people.

In these struggles, the vanguard is constituted by the masses united in the Socialist party, in the trade unions, and in the athletic and cultural organizations of the proletariat. Their immediate aim is to develop and to extend their organizations, to increase their power of action and to instill into them ever more socialistic philosophy.

Beyond this immediate aim, these organizations shall strive for a union of all the exploited classes—be they manual or intellectual laborers, peasants, or handicraftsmen—for the constitution of a community of action and struggle against economic distress and for emancipation from the yoke and slavery of capitalism.

THE UNEMPLOYED

The unemployed are among the first victims of the capitalistic order. Already during the epoch of periodic crises, capitalism maintained them as an industrial reserve army. Since the beginning of the permanent crisis, they have become a social danger. This danger threatens to split up labor into two antagonistic groups: into the group of the laborers and that of the unemployed, and thereby to destroy the solidarity of the exploited.

Socialism fights for the systematic employment of labor and for the creation of conditions of labor, which may assure all laborers of a sufficient standard of life. Socialism is in favor of assistance by the state and the communes when the measures taken to secure the employment of all able-bodied unemployed prove insufficient.

Socialism considers the reduction of the hours of labor to be

the most effective means for the alleviation of unemployment. With the improvement of the apparatus of production, such a reduction can continuously be pursued.

The complete emancipation of mankind from the curse of unemployment is possible only through the suppression of the right of private ownership of the means of production, and by their transference to the community of the people. While struggling for the creation of employment, for the reduction of hours of labor, and for sufficient unemployment relief, socialism seeks to convince the unemployed of the necessity and of the inevitability of a complete change of the present economic and social order, and of its transformation into a socialist community.

THE LABORING WOMEN

Women are also victims of capitalistic exploitation. Their emancipation from distress is not being achieved by their elimination from the economic fields, such as is recommended by petty bourgeois ideology. It is unthinkable that after the social development of centuries, mediæval economic conditions should be reëstablished.

Socialism recognizes the equality of the sexes. In its eyes, women have the right to choose their economic, social, and intellectual activity according to their tastes and abilities, and to enjoy complete and independent participation in all the conquests of culture. Socialism favors all measures of protection and assistance which tend to allow women to fulfill their social duties as mothers and as educators. Socialism is opposed to all efforts tending to deprive women of their rights. The realization of socialism alone will save the female sex from the misery of social subjection.

THE LABORING YOUTHS

The laboring youths are also among the victims of capitalistic exploitation. Their incorporation into compulsory military economic organizations will neither lead them towards an assured

future, nor lay the foundations for their education with a view to the struggle for existence.

Socialism fights for the rights of youth. By struggling for the establishment of a satisfactory standard of life for all laborers, it tends to retard as much as possible the industrial employment of young persons, thereby to create both the possibilities for their useful educational training and at the same time for their development into complete and responsible men who will once be called upon to conduct the future destinies of mankind.

THE MIDDLE CLASSES AND THE PEASANTS

To the victims of capitalistic exploitation belong also, besides the manual and intellectual laborers, the small and indebted peasants, the small handicraftsmen and traders.

Capitalistic circles seek to win over this middle class, which is threatened by economic ruin, by holding trade unions and "state socialism" responsible for their distressed condition. Fascism seeks to make socialism responsible therefor and hypocritically declares that the salvation of the middle classes can be achieved only through the suppression of socialism.

As a matter of fact, the increasing impoverishment of the middle classes, the debt and interest slavery of the peasants, the weakening and the growing unemployment of the handicraftsmen and small traders are all consequences of the capitalistic evolution.

The small and indebted peasant is the victim of the industrialization and technical development of agriculture, of the international increase of agricultural production, and of the consequent expulsion of Swiss agriculture from the world markets. He is the victim of the industrialization of Switzerland which led, in times of prosperity, to a tremendous increase in the cost of food products and thereby to an excessive rise in the price of land and to the consolidation of debt slavery. He is the victim of financial capital, that obstinately refuses to reduce the rate of interest on debts entered into under other conditions, while the cost of agricultural products, wages, and the purchasing power are all falling. He is the victim of a continuous state

action of relief, which favors the large agricultural producer instead of being based on distress and need.

The small handicraftsmen and traders are the victims of the concentration of the means of production and of the apparatus of distribution in the hands of financial capitalists, stock companies, syndicates, cartels and trusts, which, in their large and rationalized establishments can, thanks to wholesale purchases of raw materials and chain production, produce their goods more favorably and more cheaply than the small workshops created for the satisfaction of local needs. They are the victims of the lack of capital, which prevents the small handicraftsmen from improving technical and commercial methods and which tends to subject them to the large merchant.

The income of a large part of the peasants, the handicraftsmen and the small merchants is a labor income, often earned with great difficulty, whose size is not infrequently insufficient to satisfy the simplest vital needs of a family.

Large groups of peasants and handicraftsmen have, already in the past, sought relief by coöperative organization, as have also ever increasing classes of consumers. Socialism supports this development towards collective economy. It considers coöperative institutions to be a means for the realization of the economics of the whole community.

In so far as these threatened classes cannot, through self-help, adapt their income to the needs and costs of a sufficient standard of life, it is the duty of the state to help them by commercial, economic and financial measures.

This support cannot consist either in a professional order, nor in corporations on the fascistic pattern. Such a change, which affects only organization, suppresses neither the subordination of the middle classes to financial capital, nor its exploitation. It cannot increase its production, its employment, its technical progress, nor prevent the superiority of large scale production constantly strengthened by new inventions and improvements.

The most effective help for the middle classes consists in the transference of the ownership of the means of production and of distribution, which is today in the hands of financial capital, of large bankers and stock companies, of cartels and

trusts, to the community of the people. It is only then that production and distribution can be regulated according to a rational organization of the economic world which suppresses profit, which serves the needs of the people and not the personal enrichment of the individual, nor the creation of unearned incomes, which will gradually free the peasant, the handicraftsman, and the small merchant from the burden of his debts and which will secure his ownership of the necessary means of production for his own income and support.

Socialism expressly recognizes private ownership in the instruments of trade. It repudiates their socialization and is in favor of effective public assistance to be granted to the threatened middle classes in the framework of the general interests of the laboring people.

DEMOCRACY

The basis of the activity of the Swiss Socialist party is democracy.

In countries under fascist dictatorships, in which all the rights and liberties of the people are suppressed, we look upon the illegal revolutionary struggle in all its varieties and, on the morrow of a victorious revolution, the dictatorship of transition, as justifiable measures of defense and self-assertion. On the other hand, it would be wrong and dangerous for the Swiss social democratic popular movement, which has been developed under entirely different historical and political circumstances, to resort to such methods and to pursue such goals.

Swiss socialism is a mass movement. It fights with the weapons of democracy, the freedom of speech and of the pen, parliamentary activity, elections and votes, demonstrations, strikes, and mass actions. Its organs decide on the use of these methods from case to case.

Under the given circumstances, the rational exercise of these rights is the most effective method of socialist propaganda and action.

These rights are menaced. They are exposed to attacks on the part of the bourgeoisie itself, which pretends to save democracy by limiting and reducing the rights of the people, by creat-

ing emergency laws, and by the grant of exceptional powers to the executive, which are justified neither by the Constitution nor by the will of the people. These rights are threatened also by the fronts and by fascist movements which deliberately demand the destruction of democratic rights. They are also jeopardized by honest revolutionaries, who, in ignorance of the actual conditions of Switzerland, without realizing their responsibility and without being in a position to understand the significance of such measures applied by insufficient forces, propose to resort to weapons which, however justified and necessary under other conditions, would in this country decimate the forces of democracy and tend to provoke violent clashes.

The destiny of the international labor movement has shown that democracy can be defended and maintained neither through its merely formal and weak-minded application, nor through the resort to arms by the isolated labor class.

The salvation of democracy resides in its logical evolution from political, to economic and social democracy.

A new popular majority is necessary to secure this development of Swiss democracy. Whereas, in the past, this majority was in the hands of capitalism, it will, in the future, have to be based on an anti-capitalistic foundation and be animated by a socialistic conscience.

The Swiss Social Democratic party pursues the formation of a political army composed of all the democratic and socialistic victims of the capitalist order. Its ranks shall be open to all the citizens of both sexes who adhere to this program. This policy is dictated not least by the desire to maintain and to strengthen democracy.

Within the ranks of this army, there will exist antagonisms between groups and interests, which spring from the diversity of the economic and social conditions of its members. Conscious of these antagonisms, socialism will seek to conciliate them within the limits of this anti-capitalistic community. It will seek to reconcile the conflicting social interests of manual and intellectual laborers, peasants and artisans, to subordinate the interests of the groups to the common interests and ideals of all, and thereby to establish the united front of the laboring people,

which will fortify and renew the will to democracy and the defense of the rights and liberties of the people.

Thus constituted, this political army will oppose the use of democracy as an instrument for its own destruction. With all appropriate means, it will combat the efforts made through a venal press, through demagogical and provocative manifestations, and other methods which pervert public opinion, to poison the spirit of our people, to transfer political power to semi- or totally fascistic adventurers and thereby to provoke the destruction of democracy.

THE DEFENSE OF DEMOCRACY

He who looks upon democracy as a means for the realization of socialism and for the struggle against fascistic barbarism must wish to protect democracy against the dangers which threaten it.

These dangers are both internal and external.

Internal: through the anti-democratic tendencies of the exploiting class, which feels itself threatened in its domination, and of its fascistic allies. External: through the systematic endeavors of a disguised fascistic propaganda and through a fascistic foreign policy, whose aims range from the violation of political neutrality and the principles of international law to violent attacks upon our political independence.

Internally the struggle against the enemies of democracy coincides with the endeavors of the anti-capitalistic community to maintain a sufficient standard of living for the individual and to secure the development of political, into economic and social, democracy.

With respect to the outside world, we favor a policy of firmness and dignity, which will resolutely repulse all attacks upon our democratic principles and will ruthlessly prevent the activities of Swiss or foreign agents of this propaganda.

For purposes of protection against the dangers of violent fascistic attacks and for the defense of the neutrality of Switzerland, as long as this neutrality constitutes a condition of our political independence, socialism recognizes the necessity of armed protection of our frontiers. This protection, in accordance

with the historical and political conditions of our country, finds its embodiment in our militia army. In order successfully to fulfill its task, this protection must be animated by the will of an anti-capitalistic popular community. The Socialist party is prepared to support this military protection by placing sufficient means at its disposal.

On the other hand, the Swiss Socialist party is opposed to all military institutions and educational methods which oppress the personality of the soldier and to all military expenditure which is contrary to its democratic defensive purpose, which tends to provoke military complications and whose burden is not distributed according to the economic contributive capacity of the individual.

The Swiss Social Democratic party is opposed to the use of the army as an instrument in the hands of the dominant classes against the popular masses in their life struggle.

The Swiss Socialist party pursues an aggressive policy against militarism, chauvinism and nationalism as sources of new military catastrophes. It is in favor of compulsory international arbitration and of the conclusion of pacts of non-aggression between all civilized peoples. It will contribute to the reestablishment of the power of the Socialist International. In its efforts therefor, it will participate in the struggle for the independence of all the exploited against their exploiters, convinced that the victorious conclusion of this struggle can alone lastingly and on the basis of socialism, secure the welfare and happiness of humanity as a whole and the pacific settlement of disputes between the nations.

III. *The Socialist Society*

THE RISE OF SOCIALISM

Socialism will emerge from the evolution of society as the necessary solution of social contradictions and as the satisfaction of social wants. Socialism cannot be realized and perfected at one blow.

The conquest of political power by the laboring masses alone creates the necessary conditions for a systematic economic and social development of society, for the prevention of new divisions into classes resulting from the exploitation of mankind and for the substitution of the old state by a new classless society, built up on a general community of interest.

Whereas objective conditions necessarily favor this social transformation, the will and the resolution to achieve it by a struggle against the opposing forces is a necessary condition for its realization.

It will only be through laborious and varying conflicts of all the laborers that the domination of capitalism will be broken and that mankind will progress towards its final emancipation.

Therefore the realization of socialism cannot be the fatalistic product of an automatic process. It demands the complete devotion and sacrifice of all socialistically-minded men in favor of the aims of socialism.

THE REALIZATION OF SOCIALISM

In the socialistic society, the means of production no longer serve purposes of exploitation and domination over the laborers. They have thereby ceased to be capital. All labor forces find mutual employment at the right place. Through systematically planned production adapted to needs, individual gifts and abilities can be brought to complete fruition and the enjoyment of culture-goods can be generalized.

Whereas, in the capitalistic society, the largest part of the people lacked the necessities of life and were condemned to a restless uniform existence in the treadmill of daily life, the purpose of socialism is the reestablishment of the property of the individual over the goods for his daily use. Thus the personality of the individual can be completely developed, since all men will have at their private disposal all goods necessary for nourishment, clothing, arrangement and ornamentation of their lodgings, for their artistic enjoyments, for their physical and intellectual development and for their social recreation.

Socialistic society in its complete realization ignores all domination and all privileges. It assures women of complete social equality with men and grants youth the unhindered development of its forces. It will employ all means for the solution of the great problems of education, promote the appreciation of all that is good, true and beautiful and thereby endow artistic and scientific activity with impulsions and possibilities undreamed-of today.

Socialistic society will seek to eliminate poverty and misery, crime and prostitution which thrive on capitalistic conditions. This will be achieved by the satisfaction of the wants of all the laborers and by the relief provided for all those who are unable to work.

Thus socialistic society in its perfection will realize the deepest aspirations and fulfill the highest purposes of mankind.

THE LABOR PLAN

The purpose of this plan is an economic and social reorganization of Switzerland with the immediate aim of securing for the whole of the Swiss people a sufficient livelihood.

While protecting the interests of the Swiss consumers, the application of this plan shall assure laborers and employees of just wages and progressive conditions of labor, afford full and lasting employment to all the unemployed, relieve the peasants of the excessive burden of debt and secure their future, guarantee a sufficient labor income for independent producers and thereby create the necessary conditions for a continuous improvement of the welfare of the laboring classes.

The fulfillment of this purpose supposes the transference of political power into the hands of the laboring classes. The economic forces of the country are to be subjected to a unified system of management, whose task it will be to organize production and the purchasing power of the masses, according to a complete plan.

The labor plan cannot be realized through partial measures. It is to be carried out as a whole. At the same time the democratic rights and liberties of the people are to be guaranteed

without any limitation. During the realization of the labor plan, all measures tending to deteriorate the conditions of life of the laboring classes and particularly to reduce wages are to be opposed by all available means.

I. *The Organization of Credit as a Public Service*

The systematic development of the economic resources of the country and in particular the promotion of its export trade, the development of manufactures working for the home market, the emancipation of agriculture from debt, as well as the defense of the savings banks, demand the nationalization of the large banks and insurance companies and the organization of credit as a public service.

A central state credit institute shall be entrusted with the uniform regulation of the credit system. This institute will be entrusted with the following principal duties:

- (a) The establishment of general principles for the granting of credit to industry, commerce and trade;
- (b) the approval of the issuing of securities;
- (c) the exclusive control of all capital relations with foreign countries through the organization of capital exports in connection with state export policies;
- (d) the centralization of the urban and rural mortgage credit system and the fixation of the rate of interest on mortgages.

In order to promote the credit policy of the central state credit institute, the following changes will be introduced into the organization of Swiss banks and insurance companies:

- (a) The large Swiss banks and private insurance companies, as well as the mortgage joint stock banks, shall be transferred to the state.

The transference of these credit institutes will be carried out through the transference of the necessary voting rights;

- (b) the cantonal banks shall retain their present independence. They shall be especially entrusted with the granting of mortgage and industrial credits within the cantonal frontiers;
- (c) the Swiss Popular Bank (*die Schweizerische Volksbank*)

shall be taken over by the state and transformed into a federal industrial bank;

(d) the small banks and savings banks shall remain independent institutions within the framework of the reformed banking legislation.

The conditions of employment of the *personnel* of the nationalized credit institutions remain untouched, in so far as the *personnel* is prepared to declare their willingness loyally to cooperate in the working of the credit policy of the plan. The conditions of employment of the leading heads of these banks shall alone remain reserved.

The purpose of the monetary policy of the Swiss National Bank shall be systematically to develop the purchasing power of the Swiss population. A federal banking law shall be enacted for the purpose of supervising all Swiss banking institutes and financial companies, of protecting savings deposits and of suppressing stock exchange speculation. In this act the following matters will be legally dealt with:

(a) The incorporation of the business activity of the banks and financial companies into the general credit policy of the plan;

(b) the prohibition of all speculative operations;

(c) the prohibition of all independent foreign banking business;

(d) the creation of a system of supervision and of accounting control;

(e) provisions relating to the establishment and publication of accounts and bank statements;

(f) reinforced provisions concerning liquidity, capitalization and responsibility of the directors;

(g) increased protection of savings accounts.

II. *Organization of Industry*

The elimination of unemployment, as the first step towards a new and lasting rise of the laboring people, demands the transference from private to public management of all indus-

trial undertakings of a monopolistic character and a systematic industrial policy based on the interests of the community. The aims of such a policy would be generally to regulate and to increase production, particularly to promote the export of manufactured products and, in so far as useful, the domestic production of heretofore imported goods.

Consequently the state policies governing the export of capital and foreign trade are, in closest coöperation with the associations of importers, to be placed at the service of industry, particularly of the exporting industries.

The Swiss industrial body is to be subjected to the following reorganization in order to allow for this planned industrial policy.

The industries which occupy a pronounced monopoly position (for instance, the building material industry), those which are already today partly organized as a public service (for instance, the production of hydraulic resources), or those which are of particular significance for the security of the state (for instance, the arms industry) shall be nationalized.

The firms of the particular branches of industry shall be bound together in industrial associations.

Every industrial association shall be placed under the management of a board of directors in which the heads of the firms, the laborers, the employees, the consumers and the state shall be represented. The following are the principal duties of these associations:

(a) Management of production, development of existing and creation of new industrial works;

(b) fixation of production quotas for each individual undertaking;

(c) fixation of prices on the basis of cost accounting;

(d) uniform sale organizations abroad;

(e) creation of technical and scientific research institutes and constitution of experimental works. The labors of these bodies and the application of the corresponding technical improvements shall be placed at the disposal of all the establishments;

(f) coöperation with professional schools for the recruiting of qualified laborers.

Public chartered accountants shall examine the accounts of the individual enterprises and supervise the application of the general directions of the industrial managers.

Since the export industry is of particular interest for the community, it may be submitted to special regulations.

III. *Promotion of Agriculture*

In order to assure the peasants of their ownership of their land, they must be generally relieved of their debts. They shall be assured of a just remuneration for their labors by the fixation of prices, the increase of their sales, the reduction of their costs of production by means of improved methods of production and particularly through the development of agricultural coöperatives.

The domestic market of agricultural products shall be widened through the systematic increase of the purchasing power of the masses. The foreign trade policy and the export of capital shall be placed in the service of agricultural exports.

THE REDUCTION OF DEBTS

The excessive mortgage and farm rents shall be reduced.

When the debts incurred by a given agricultural undertaking shall have exceeded a certain limit, they shall receive individual treatment. The production value of land shall be the basis for the reduction of debts.

The reduction of debts shall be carried out through the replacement of mortgages by state securities and by the renunciation of the mortgagees of a part of their claims, small creditors and bondsmen receiving special consideration.

THE PREVENTION OF NEW DEBTS AND OF REAL ESTATE SPECULATION

The state and peasant organizations are to be given the right to take over all farming properties offered for sale at a price based on their normal yield.

The farms whose debts have been reduced are to be submitted to a special form of hereditary social property. The law concerning the right of peasant inheritance and agricultural property is to be amended with a view to preventing excessive indebtedness.

PRICE POLICY

The prices of agricultural products are to be brought into a fixed relation with costs of production, a sufficient peasant labor income being assured.

LABOR INCOME, COÖPERATIVE AND PRODUCTION POLICIES

The costs of production and the difference between agricultural costs and prices are to be reduced by the promotion of agricultural coöperatives, particularly by the promotion of the coöperation between coöperatives in the individual communes, by the promotion of the redistribution of agricultural property, by the development of the coöperative sale of milk and of agricultural associations for the industrial use of agricultural refuse, by the systematic distribution of the markets in coöperation with the administrations of the communes and of coöperative consumers' and purchasers' organizations.

The supervisory institutions are to be extended on a coöperative basis for the purpose of rendering optional and gratuitous advice to individual farmers.

Agricultural technique is to be improved by the development of scientific research through mechanization and motorization and through the promotion of agricultural schools and courses. The introduction of new cultures is to be promoted.

OFFICE FOR AGRICULTURE

A state office for agriculture is to be entrusted with the carrying out of Swiss agrarian policy. In this office the state, the various peasant coöperatives and the consumers shall be represented.

IV. *The Promotion of Handicrafts and Small Commerce*

Handicraftsmen and small traders are to be protected against destruction by the systematic improvement of the purchasing power as well as by the fixation of prices and the reduction of costs. The ownership over their means of production shall remain untouched.

For this purpose the following innovations shall be introduced:

(a) In the Crafts

Handicraftsmen shall form associations of artisans which shall fix prices on the basis of the average costs of production, supply the individual works with the cheapest and best machines and material and contribute to their progress by rationalization with the help of investigating and advisory bodies. The establishment of new enterprises and the extension of existing works shall be made conditional upon an authorization which shall be granted by the cantons on the justification of an existing market and of individual qualifications. The production of those goods which do not benefit by the technical advantages of large scale industry (repairs, individually produced articles) are to be reserved for the handicraftsmen.

Excessive rents and capital charges shall be reduced.

An industrial office shall be established and shall take all necessary state measures for the development of handicrafts. This office shall be entrusted with the duty of examining all co-operative price tariffs and all claims against cantonal decisions concerning the establishment of new works.

(b) In Small Scale Trade.

Independent small tradesmen shall form associations which shall fix retail prices on the basis of average production costs in coöperation with large scale retail enterprises and with consumers' coöperative associations. They shall tend to the standardization of production. They shall also serve as wholesale purchasing offices entrusted with the duty of eliminating private middle-men.

The provisions concerning the authorization of the establishment of new firms according to demand, and those concerning the reduction of rents, capital interests and debts, which are to be set up in the crafts, shall also be applied to small trade.

A trading office shall take all the necessary measures for the protection of the small trader and of the consumer. This office shall approve retail price tariffs and examine claims against cantonal decisions concerning the establishment of new shops.

V. Real Estate, Construction and Rent Policy

In order to create for all wholesome housing conditions and in order to establish a normal relation between rents and labor incomes, while raising the standards of housing, the boundaries between adjacent building plots shall be loosened and thereby the rational construction of apartment houses promoted. At the same time regulations shall be enacted concerning the proper density of housing. The housing market shall be protected against speculation. Unjustified real estate profits shall be returned to the community. These measures shall at the same time secure a lasting improvement in the conditions of employment in the building trades.

In order to promote a systematic settlement and building policy, the existing rights of expropriating land for roads and public buildings shall be extended in favor of apartment houses and industrial constructions. In order to rationalize the building trades, the building of sanitary modern houses (flats and industrial buildings) shall be promoted without consideration of existing boundaries between building plots. The compensation for expropriated plots shall be based on their effective agricultural production value, increased by the cost of making them available for building purposes. In the case of built-up plots, this value shall be increased by the cost of their production. Unjustified real estate profits arising out of speculation or out of rent shall be taken over by the communes, the cantons and the Confederation and applied to the improvement of the building trade. The housing market shall be protected against speculation and subjected to state rent-fixing offices. Provisions shall

be enacted concerning the density of habitation. Rents and labor incomes shall be placed in a normal relation one to another.

All these measures shall at the same time serve the purpose of regulating employment in the building trades.

All builders shall be bound together in an association. This association shall be managed by a board in which the builders, their associations, the associations of tenants, of industry, of agriculture, and of trades, and the state, shall be represented. This board shall in general possess the same powers as the board of industrial directors. It shall apply the laws on expropriation in coöperation with the communes.

The board of building directors shall establish plans for the construction and use of houses throughout the country on the basis of regional plans laid down by the communes and the cantons.

In application of this general plan, the board of building directors shall establish local building programs in coöperation with the communes and shall supervise their execution.

VI. *Organization of Transportation*

Transportation in Switzerland shall be organized according to plan. Private railroads and transport organizations which are important for the national economic life shall be taken over by the state.

A supreme transport council shall be entrusted with the direction of all public transports. All undertakings of one branch of transport shall be bound together in a transport union. This union shall be directed by a board in which representatives of the various undertakings, their laborers and employees, the shippers and the state, shall be represented. The nationalized transport organizations, such as the railroads, the post, telegraph, telephone, etc., shall be placed under a general board of directors.

This board shall be entrusted with the following duties:

The regulation of the coöperation of the railroad and the motor-car; the promotion of agriculture, industry, trade and the

tourist traffic by an appropriate tariff policy. The federal and nationalized railroads shall be relieved of their debts in order to permit of such a tariff policy.

VII. *Promotion of the Tourist Traffic*

In order to promote the tourist traffic, a part of the hotels shall be nationalized and transformed into rest-houses. The tourist traffic shall be improved by a general organization of the private hotel industry.

The legislature shall take the necessary measures to protect the landscape and to conserve natural historic sites. The endeavors to lay out walking paths and youth hostels shall receive public assistance.

The degree of nationalization of the hotel industry shall depend on the number of permanently unoccupied hotel beds. The nationalized hotels and inns shall be transformed into sanatoria and into rest-houses for children and for the people. These institutions shall be managed by the trade unions and associations for their members.

Their gratuitous use shall be made dependent upon the conditions under which they shall be managed and on their prices. At the same time stress shall be laid on the consumption of Swiss agricultural products.

Private hotels and inns shall be formed into an association which shall be placed under a board of management in which the state, the hotels and their employees, shall be represented. The duty of this board shall be to develop the hotel industry, to fix the prices and to organize publicity in Switzerland and abroad.

VIII. *Protection of Labor*

In order to protect the standard of living of the laborers, employees and officials and in order to overcome the disproportion between the means of production and the absorptive capacity of the market, every wage reduction is to be opposed. Wages are systematically to be increased, in order to adapt purchasing

power to the increasing productivity of labor. The hours of labor are correspondingly to be reduced. Labor legislation is to be extended to all those laborers and employees in the trades, the crafts, home industry and the tourist traffic which have so far been deprived of a sufficient regulation of their labor conditions. The freedom of coalition of all independent laborers shall be guaranteed and the establishment of collective labor contracts promoted.

LABOR PROTECTION

Wages are systematically to be adapted to the increasing productivity of labor.

A federal labor board shall be placed under the general economic board and shall take the necessary measures to secure this result.

Women shall be paid the same wages as men for the same work.

In those economic branches in which the rate of wages is insufficient, wage commissions shall be established, composed of representatives of the federal wage office and of the trade unions, which shall fix a minimum rate of wages.

The hours of labor shall be generally and systematically reduced according to technical progress.

The hours of labor shall, to begin with, be reduced to the normal forty-hour week by the factory law and by the federal law concerning the hours of labor in railroads and other transport organizations. The hours of labor for women and young people under eighteen shall be still further reduced.

For all wage earners, paid vacations of one to three weeks, according to the time of service, and of three weeks for apprentices and young people, shall be guaranteed.

The labor conditions of young people are to be so regulated as to allow for their physical and intellectual development and training.

School attendance shall be compulsory for all children until the end of their fifteenth year. A federal industrial labor law shall be enacted for all those establishments in industry, trade,

tourist trade, domestic labor, which are not included in the factory and railroad law. This federal law shall regulate the following matters:

Limitation of the hours of labor to forty-eight hours a week at most;

special conditions of labor in home industry and in the hotel industry;

provisions concerning the conditions of labor wages and dismissal according to the standards set by the factory law;

compulsory accident insurance;

provisions concerning the employment of women and young persons.

The conditions of labor of domestic servants shall be regulated by a federal labor contract.

The conventions of the International Labor Conference which have not yet been accepted by Switzerland shall be ratified.

LABOR LAW

The right of coalition for all salaried workers shall be protected. Trade unions shall be maintained as independent and autonomous associations. They are to be consulted on the occasion of the constitution of the labor offices, industrial tribunals, conciliation boards, wage boards, boards of industrial directors, industrial and commercial offices, etc.

Conditions of labor shall be fixed by means of collective labor contracts. The representation of the laborers in the works committees and in the boards of directors is to be specially regulated.

Wage boards shall be authorized to declare collective labor contracts compulsory on all. This may be done, however, only when the collective labor contract has been signed on behalf of at least two thirds of the laborers.

SOCIAL INSURANCE

Unemployment insurance shall be made compulsory.

Accident and sickness insurance shall be extended, motherhood insurance introduced and old age and survival insurance realized.

EMPLOYMENT AGENCIES

Advisory professional boards and employment offices shall be placed in the economic service of the nation.

CREATION OF WORK

In order to secure the prompt cessation of unemployment and in order to promote an economic policy calculated to overcome the crisis and to increase purchasing power, large labor contracts shall be concluded by the Confederation, the cantons and the communes.

IX. *The Organization of Foreign Trade*

The export of industrial and agricultural products of national labor and the tourist traffic shall be promoted by means of a systematic organization of the whole foreign trade according to the principle of international compensation and by the exploitation of the purchasing power and capital resources of the country. The principle shall be recognized that all measures dealing with foreign trade shall be taken with a view to promoting international economic relations.

The foreign trade shall be organized from the following viewpoints:

The principle of international organization shall be generally applied and the export of capital used to promote exports.

All efforts tending to the establishment of an international clearing-house for economic goods shall be supported.

The clearing traffic shall be extended in so far as the interests of the Swiss export trade and the defense of Swiss capital claims abroad demand it.

Trade with Russia shall be systematically developed after the recognition of the Union of Socialist Soviet Republics.

The whole import trade shall be carried on through import associations whose boards of directors shall be made up of representatives of the importers, of the consumers and of the state foreign trade office.

The export trade shall be carried on by the industrial boards of directors and by the agricultural export associations.

A state foreign trade office shall issue general rules for foreign trade as a whole. A special central compensation office shall be attached to the foreign trade office for the purpose of directing the whole compensation and clearing traffic.

X. Financial and Monetary Policies

The aims of the financial policy shall be the just distribution of the public burdens, a wholesome equilibrium between the public finances of the communes, the cantons and the Confederation, an equitable fiscal treatment of income and property and the rational promotion of the productivity of the Swiss body economic.

In principle, fiscal customs duties shall be levied only on goods whose consumption should be limited in the interests of the public. The aim of the monetary policy of the state shall be the systematic development of purchasing power. The means to meet the financial needs of the state and in particular to carry out the program for the reduction of agricultural debts shall be secured:

1. By the development of federal taxation with a sharper progressivity for the taxation of higher incomes and large fortunes;

2. through the general introduction of a radical inheritance tax;

3. through taxes on luxuries;

4. through the development of an unearned increment tax on real estate profits with the purpose of absorbing all unjustified profits by taxation;

5. through loans, or

6. by means of the nationalization of the banks and insurance companies.

Capital and tax evasion shall be suppressed by means of the unification of cantonal taxation, as well as by legislative measures to combat fraudulent fiscal evasion.

In general the tariff and price policies of the nationalized industrial enterprises shall not serve fiscal purposes.

XI. *The Economic Directorate*

A federal economic directorate shall be established as the central organ of the economic policy of Switzerland. It shall be entrusted with the duty, in accordance with the instructions of the federal authorities, to lay down the general principles for the systematic development of the Swiss body economic. The supreme purpose of the economic policy of the country shall be the constant promotion of the welfare of the Swiss people.

In the federal economic directorate, the following economic organs shall be represented, whose activities shall be supervised and coördinated: the central credit institute, the foreign trade office, industrial boards of directors, the transport council, the industrial and trading office, the office for agriculture, the labor board.

An economic council with a limited number of members elected by parliament shall serve as an advisory body to the federal economic directorate.

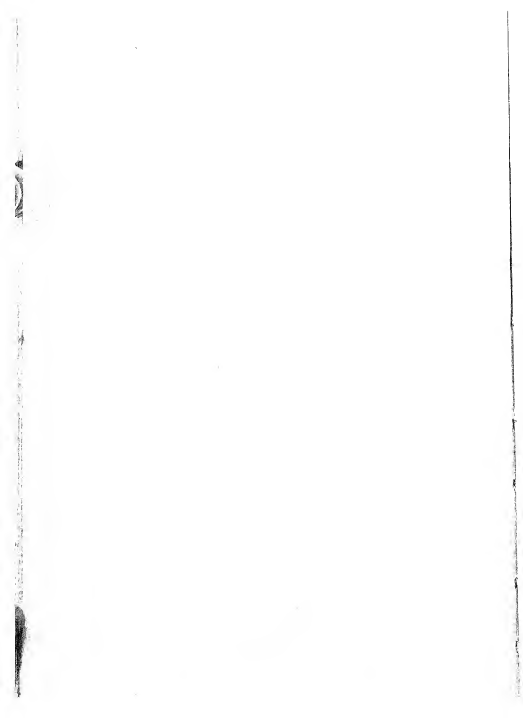
DOCUMENTS

ON THE

GOVERNMENT OF THE
FRENCH REPUBLIC

BY

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PREFATORY NOTE

In selecting the illustrative materials contained in this section, I have deliberately tried to emphasize *recent* and *contemporary* French political behavior, to the exclusion of certain documents of more historic significance, perhaps, than some which were included. Given the extremely disturbed state of French politics at the time the task of collection was in progress, such an emphasis has in it obvious elements of hazard. What will happen in or to the Third Republic during the probable "lifetime" of this source book, is beyond reliable prediction. Nevertheless, even though France should be destined to suffer another change of regime in the immediate future, it may be that for American students to understand rather intimately the "last phases" of the Third Republic is just as important as to know in a general way the outlines of two generations of French political evolution. For this background knowledge, recourse to general text books and reference works seems to me to be adequate in terms of the limited time available for the study of France in most survey courses on comparative government.

Space has compelled the omission of materials relative (1) to local government and (2) to colonial policy and administration. In my judgment, these two subjects stand near the bottom of any "priority" list of readings on French politics for Americans. The presentation of a wider variety of selections illustrating party set-up and activity, legislative and administrative processes, the conduct of foreign policy, and the current struggle to maintain democratic liberties was the alternative which, wisely or not, I chose to follow.

It goes without saying that I am grateful to those publishers, particularly in France, who generously gave permission to translate and reprint excerpts from various books and periodicals. Special acknowledgment of such permission is made at the beginning of each selection.

WALTER R. SHARP



CONTENTS

	PAGE
I. CONSTITUTIONAL FOUNDATIONS	7
1. The Constitution of the Third Republic	7
2. Changing the Constitution by Amendment	14
3. Constitutional Development by Custom	15
II. POLITICAL PARTIES AND ELECTIONS	19
4. Organization of French Political Parties	19
5. An Application for Party Membership	26
6. A Party Platform	26
7. A Coalition Election Program	30
8. The Electoral System for the Chamber of Deputies	34
9. The Calling of a National Election	37
10. The "Short Ballot"	38
11. Political Cartoons	40
III. THE POLITICAL EXECUTIVE AND PARLIAMENT	42
12. How a New Government Takes Office	42
13. The Cabinet at Work	45
14. A Ministerial Declaration to Parliament	46
15. Parliamentary Control over the Executive	50
16. Abuses of Parliamentary Control	54
17. Delegation of Emergency Legislative Power to the Executive	57
IV. THE LEGISLATIVE PROCESS	59
18. Committee System of the Chamber of Deputies	59
19. Parliamentary Legislative Procedure	63
20. French Budget-Making	66
21. Legislative Planning: the National Economic Council	74
22. Interest Groups in Parliament	78
23. The Final Legislative Product	80
V. THE ADMINISTRATIVE SYSTEM	84
24. Central Administrative Organization	84
25. Establishment of a Cabinet Secretariat	90
26. The Career Civil Service	92
27. Administrative Syndicalism	98
28. The Dual Rôle of the Prefect	105
29. Bureaucracy in French Institutions	109

	PAGE
VI. COURTS AND JUDGES	113
30. The Judiciary as a Career	113
31. Industrial and Commercial Courts	116
32. The French Bar and Civil Procedure	120
33. The Supreme Court of Administrative Justice	127
34. The Arguments Against Judicial Review	131
VII. THE CONDUCT OF FOREIGN RELATIONS	135
35. Parliament and the Control of Foreign Policy	135
36. Parliamentary Consent to the Ratification of Treaties	149
37. Public Opinion and Foreign Policy	151
38. Representation in the League of Nations	155
VIII. LIBERTY AND DEMOCRACY	157
39. "Liberté, Egalité, Fraternité"	157
40. Separation of Church and State	160
41. Dissolution of the "Political Leagues"	160
42. A Defense of Democracy and Peace	163
43. The France of Tomorrow?	168

I

CONSTITUTIONAL FOUNDATIONS

I. THE CONSTITUTION OF THE THIRD REPUBLIC

[Between the Great Revolution of 1789 and the advent of the Third Republic, France lived under a rapid succession of constitutions, republican, imperial, and monarchical, none of them enduring as long as twenty years. Thus it was that the French people acquired during the 19th century the reputation of being politically unstable. Contrary to expectations at the time of its adoption, the Constitution of 1875 has lasted two full generations. Its durability has been all the more striking in that it represented a "hang-dog" compromise which became necessary because the two monarchist parties, Orleanist and Legitimist, who had a majority in the National Assembly, could not agree on a common flag for a new monarchical regime. "It was the first time in constitutional history that constitution-makers did not want their work to endure." (J. Barthélemy and P. Duez, *Traité de Droit Constitutionnel*, Paris, 1933, p. 28.) But events were to decree otherwise.]

Formulated under such conditions, the Constitution of 1875 is fragmentary in character, lacking in unity or any reference to individual liberties, the judiciary, or administrative organization. It has been described as "above all else, a Senate!" As originally adopted, the Constitution consisted of the three "organic" laws reproduced below.]

Constitutional Law on the Organization of the Public Powers (25 February, 1875). (W. F. Dodd, *Modern Constitutions*, Chicago, 1909, Vol. I, pp. 286-288.)

Article 1. The legislative power shall be exercised by two assemblies: the Chamber of Deputies and the Senate.

The Chamber of Deputies shall be elected by universal suffrage, under the conditions determined by the electoral law.

The composition, the method of election, and the powers of the Senate shall be regulated by a special law.

Article 2. The President of the Republic shall be chosen by an absolute majority of votes of the Senate and Chamber of Deputies united in National Assembly.

He shall be elected for seven years. He is re-eligible.

Article 3. The President of the Republic shall have the initiative of laws, concurrently with the members of the two chambers. He shall promulgate the laws when they have been voted by the two chambers; he shall look after and secure their execution.

He shall have the right of pardon; amnesty may only be granted by law.

He shall dispose of the armed force.

He shall appoint to all civil and military positions.

He shall preside over state functions; envoys and ambassadors of foreign powers shall be accredited to him.

Every act of the President of the Republic shall be countersigned by a minister.

Article 4. As vacancies occur on and after the promulgation of the present law, the President of the Republic shall appoint, in the Council of Ministers, the councilors of state in regular service.

The councilors of state thus chosen may be dismissed only by decree rendered in the Council of Ministers.

The councilors of state chosen by virtue of the law of May 24, 1872, shall not, before the expiration of their powers, be dismissed except in the manner provided by that law. After the dissolution of the National Assembly, they may be dismissed only by resolution of the Senate.

Article 5. The President of the Republic may, with the advice of the Senate, dissolve the Chamber of Deputies before the legal expiration of its term.

In that case the electoral colleges shall be summoned for new elections within the space of two months, and the Chamber within the ten days following the close of the elections.

Article 6. The ministers shall be collectively responsible to the chambers for the general policy of the government, and individually for their personal acts.

The President of the Republic shall be responsible only in case of high treason.

Article 7. In case of vacancy by death or for any other reason, the two chambers assembled together shall proceed at once to the election of a new President.

In the meantime the Council of Ministers shall be vested with the executive power.

Article 8. The chambers shall have the right by separate resolutions, taken in each by an absolute majority of votes, either upon their own initiative or upon the request of the President of the Republic, to declare a revision of the constitutional laws necessary.

After each of the two chambers shall have come to this decision, they shall meet together in National Assembly to proceed with the revision.

The acts effecting revision of the constitutional laws, in whole or in part, shall be passed by an absolute majority of the members composing the National Assembly.

During the continuance, however, of the powers conferred by the law of November 20, 1873, upon Marshal de MacMahon, this revision shall take place only upon the initiative of the President of the Republic. [The republican form of government shall not be made the subject of a proposed revision. Members of families that have reigned in France are ineligible to the presidency of the Republic.]

Article 9. The seat of the executive power and of the two chambers is at Versailles.

Constitutional Law on the Organization of the Senate (24 February, 1875). (Dodd, *ibid.*, pp. 228-290.)

Article 1. The Senate shall consist of three hundred members: two hundred and twenty-five elected by the departments and colonies, and seventy-five elected by the National Assembly.

Article 2. The departments of the Seine and of the Nord shall each elect five senators.

The following departments shall elect four senators each: Seine-Inférieure, Pas-de-Calais, Gironde, Rhône, Finistère, Côtes-du-Nord.

The following departments shall elect three senators each: Loire-Inférieure, Saône-et-Loire, Ille-et-Vilaine, Seine-et-Oise, Isère, Puy-de-Dôme, Somme, Bouches-du-Rhône, Aisne, Loire, Manche, Maine-et-Loire, Morbihan, Dordogne, Haute-Garonne, Charente-Inférieure, Calvados, Sarthe, Hérault, Basses-Pyrénées, Gard, Aveyron, Vendée, Orne, Oise, Vosges, Allier.

All the other departments shall elect two senators each.

The following shall elect one senator each: the territory of Belfort, the three departments of Algeria, the four colonies of Martinique, Guadeloupe, Réunion, and the French Indies.

Article 3. No one shall be a senator unless he is a French citizen at least forty years of age, and in the enjoyment of civil and political rights.

Article 4. The senators of the departments and of the colonies shall be elected by an absolute majority and by *scrutin de liste*, by a college meeting at the capital of the department or colony and composed:

- (1) of the deputies;
- (2) of the general councilors;
- (3) of the arrondissement councilors;
- (4) of delegates elected, one by each municipal council, from among the voters of the commune.

In the French Indies the members of the colonial council or of the local councils are substituted for the general councilors, arrondissement councilors, and delegates from the municipal councils.

They shall vote at the seat of government of each district.

Article 5. The senators chosen by the Assembly shall be elected by *scrutin de liste* and by an absolute majority of votes.

Article 6. The senators of the departments and of the colonies shall be elected for nine years and renewable by thirds every three years.

At the beginning of the first session the departments shall be divided into three series containing each an equal number of senators. It shall be determined by lot which series shall be renewed at the expiration of the first and second triennial periods.

Article 7. The senators elected by the Assembly are irremovable.

Vacancies by death, by resignation, or for any other cause, shall, within the space of two months, be filled by the Senate itself.

Article 8. The Senate shall have, concurrently with the Chamber of Deputies, the power to initiate and to pass laws. Money bills, however, shall first be introduced in and passed by the Chamber of Deputies.

Article 9. The Senate may be constituted a Court of Justice to try either the President of the Republic or the ministers, and to take cognizance of attacks made upon the safety of the state.

Article 10. Elections to the Senate shall take place one month before the time fixed by the National Assembly for its own dissolution. The Senate shall organize and enter upon its duties the same day that the National Assembly is dissolved.

Article 11. The present law shall be promulgated only after the passage of the law on the public powers.

Constitutional Law on the Relations of the Public Powers (16 July, 1875). (Dodd, *ibid.*, pp. 290-294.)

Article 1. The Senate and the Chamber of Deputies shall assemble each year on the second Tuesday of January, unless convened earlier by the President of the Republic.

The two chambers shall continue in session at least five months each year. The sessions of the two chambers shall begin and end at the same time.

On the Sunday following the opening of the session, public prayers shall be addressed to God in the churches and temples, to invoke his aid in the labors of the chambers.

Article 2. The President of the Republic pronounces the closing of the session. He may convene the chambers in extraordinary session. He shall convene them if, during the recess, an absolute majority of the members of each chamber request it.

The President may adjourn the chambers. The adjournment, however, shall not exceed one month, nor take place more than twice in the same session.

Article 3. One month at least before the legal expiration of the powers of the President of the Republic, the chambers shall be called together in National Assembly to proceed to the election of a new President.

In default of a summons, this meeting shall take place, as of right, the fifteenth day before the expiration of the term of the President.

In case of the death or resignation of the President of the Republic, the two chambers shall assemble immediately, as of right.

In case the Chamber of Deputies, in consequence of Article 5 of the law of February 25, 1875, is dissolved at the time when the presidency of the Republic becomes vacant, the electoral colleges shall be convened at once, and the Senate shall assemble as of right.

Article 4. Every meeting of either of the two chambers which shall be held at a time when the other is not in session is illegal and void, except in the case provided for in the preceding article, and that when the Senate meets as a court of justice; in the latter case, judicial duties alone shall be performed.

Article 5. The sittings of the Senate and of the Chamber of Deputies shall be public.

Nevertheless either chamber may meet in secret session, upon the request of a fixed number of its members, determined by the rules.

It shall then decide by absolute majority whether the sitting shall be resumed in public upon the same subject.

Article 6. The President of the Republic communicates with the chambers by messages, which shall be read from the tribune by a minister.

The ministers shall have entrance to both chambers, and shall be heard when they request it. They may be assisted, for the discussion of a specific bill, by commissioners named by decree of the President of the Republic.

Article 7. The President of the Republic shall promulgate the laws within the month following the transmission to the government of the law finally passed. He shall promulgate, within three days, laws the promulgation of which shall have been declared urgent by an express vote of each chamber.

Within the time fixed for promulgation the President of the Republic may, by a message with reasons assigned, request of the two chambers a new discussion, which cannot be refused.

Article 8. The President of the Republic shall negotiate and ratify treaties. He shall give information regarding them to the chambers as soon as the interests and safety of the state permit.

Treaties of peace and of commerce, treaties which involve the finances of the state, those relating to the person and property of French citizens in foreign countries, shall be ratified only after having been voted by the two chambers.

No cession, exchange, or annexation of territory shall take place except by virtue of a law.

Article 9. The President of the Republic shall not declare war without the previous consent of the two chambers.

Article 10. Each chamber shall be the judge of the eligibility of its members, and of the regularity of their election; it alone may receive their resignation.

Article 11. The bureau of each chamber shall be elected each year for the entire session, and for every extraordinary session which may be held before the regular session of the following year.

When the two chambers meet together as a National Assembly, their bureau shall be composed of the president, vice-presidents, and secretaries of the Senate.

Article 12. The President of the Republic may be impeached by the Chamber of Deputies only, and may be tried only by the Senate.

The ministers may be impeached by the Chamber of Deputies for offenses committed in the performance of their duties. In this case they shall be tried by the Senate.

The Senate may be constituted into a court of justice, by a decree of the President of the Republic, issued in the Council of Ministers, to try all persons accused of attempts upon the safety of the state.

If proceedings should have been begun in the regular courts, the decree convening the Senate may be issued at any time before the granting of a discharge.

A law shall determine the method of procedure for the accusation, trial, and judgment.

Article 13. No member of either chamber shall be prosecuted or held responsible on account of any opinions expressed or votes cast by him in the performance of his duties.

Article 14. No member of either chamber shall, during the session, be prosecuted or arrested for any offense or misdemeanor, except upon the authority of the chamber of which he is a member, unless he be taken in the very act.

The detention or prosecution of a member of either chamber shall be suspended for the session, and for the entire term of the chamber, if the chamber requires it.

2. CHANGING THE CONSTITUTION BY AMENDMENT

[During more than sixty years the French Constitution has been formally amended on only three occasions—in 1875, 1884, and 1926. Formal amendments have been infrequent for two reasons: (1) the substantive provisions of the Constitution are general and flexible in character and (2) the courts do not have the power to declare unconstitutional legislative enactments interpreting the Constitution.

The process of amendment is a simple and expeditious one. The two houses of Parliament sit together at Versailles as the

National Assembly. A mere majority vote of all deputies and senators present is sufficient for the adoption of a resolution of amendment. The brief amendment quoted below was voted in 1926 at the insistence of Premier Poincaré for the purpose of restoring confidence in the Government's determination to redeem its outstanding debt.]

Amendment of 10 August, 1926. (Journal officiel, 10 Aug. 1926. Translated by the author.)

Article 1. The constitutional law of 25 February, 1875, relative to the organization of the public powers is amended to include the following article: "The autonomy of the fund for the administration of national defense bonds and for the amortization of the public debt has a constitutional character. There will be appropriated to this fund, until the amortization of the national defense bonds and such obligations as are created by the fund is complete, the following: (1) net receipts from the sale of tobacco; (2) the yield of the supplementary tax *sur le première mutation*, of inheritance taxes, and of all voluntary contributions to the public treasury. The product of these resources during the first fiscal year following the promulgation of the present law shall constitute the minimum annual appropriation to the amortization fund. In case the total amount subsequently diminishes, an annual credit equal to the difference shall be inserted in the general budget."

3. CONSTITUTIONAL DEVELOPMENT BY CUSTOM

[Custom, along with legislative interpretation, has had a large place in the evolution of the French Constitution of 1875, just as the development of the American Federal Constitution has been greatly influenced by political usages and congressional enactments outside the field of formal amendment. Some of these French constitutional "customs" are discussed in this passage taken from J. Barthélemy and P. Duez, *Traité de Droit con-*

stitutionnel, Paris, 1933, pp. 35-37. Translated and reproduced by permission of Librairie Dalloz.]

It must not be concluded that one may discover in *organic laws* all the matters not dealt with by the Constitution of 1875. The latter rest largely upon custom. So it is that the fundamental principles of an annual budget and of statutory non-retroactivity, upon which the Constitution of 1875 is silent, should be considered as part and parcel of our customary constitutional law. It is similarly the case with numerous rules governing the parliamentary regime. By 1875, France was beginning to experience political liberty. During the Restoration and the July Monarchy, in particular, the rules of the parliamentary regime were in process of development. The Constitution of 1875 barely touched upon them. It was content to establish the parliamentary regime by declaring the ministers "collectively responsible to the Chambers for general governmental policy and individually responsible for their personal acts." (Article 6, Law of 25 February, 1875.) The text does not mention the President of the Council, who has, nevertheless, become the principal personage of the Government. For all the detailed rules by which this parliamentary regime operates, the Constitution of 1875 is based upon constitutional custom.

This characteristic was put in bold relief during the course of the terrible crisis of 1914. Desirous of grouping around the Government, in a "sacred union," all of the vital forces of the country, the President of the Republic determined to enlarge the basis of the ministry: he wished especially to make sure that the party considered rightly or wrongly as anti-militarist and defeatist, would rally unqualifiedly to the support of the flag. It was unthinkable, however, that ministers whose merits and talents were required by the political situation to remain in the Government, should be removed from office. Nevertheless, there were in the houses of Parliament men who seemed to represent a doctrine, a program, an opinion, a political party, and yet who did not possess the necessary capacity or aptitude for administering a government department. In such circumstances, it seemed necessary to bring these men into the Government,

to permit them to participate in the deliberations of the Council of Ministers, with the title of minister, but without placing them at the head of a ministerial department. They had to be appointed *ministers without portfolio*. But does the Constitution of 1875 permit such an arrangement? It is silent on the subject. It was therefore necessary to go back to constitutional custom, to an earlier practice of parliamentary government. This practice permitted ministers without portfolio. Thus it was that Jules Guesde, doctrinaire leader of the Socialist Party, could be constitutionally designated minister without portfolio.

Another example: in times of crisis, the rôle of the President of the Council takes on a singular value and importance. More than ever is it indispensable that all the vital forces of the country should be oriented toward a favorable solution of the crisis. A strong unity in the Government is necessary. Accordingly, the President of the Council should be in a position to devote a large part of his time to unifying the action of the different ministries. For this task he should become *President of the Council without portfolio*. Does the Constitution of 1875 allow this arrangement? It says nothing about it. Constitutional custom and previous parliamentary practice, however, sanction it. By virtue of this practice, Viviani, in 1914, and Poincaré, in 1928, served as Presidents of the Council without portfolio, as had the Duc de Richelieu during the Restoration.

From the simple affirmation by the text of the Constitution (article 6, § 2, Constitutional Law, 25 February, 1875) that the President of the Republic is politically irresponsible, customary constitutional law has given rise to a dozen important rules, among them the following: that the person of the Chief of State shall never be the subject of parliamentary debate.

Let it be observed, further, that custom has modified the written Constitution of 1875. Thus the right of dissolution, expressly indicated in article 5 of the Law of 25 February, 1875, has been a dead letter since 1877. It appears also that custom is opposed to the re-eligibility of the Chief of State, although this is permitted by article 2 of the Law of 25 February, 1875. The right of the President of the Republic, when a law has been passed by the two Chambers, to send them a message re-

questing reconsideration, which they may not refuse (article 7, § 2, Law of 16 July, 1875), has never been employed. Custom prevents the Chief of State from drawing the country's attention, by public message, to a grave matter of national interest. Finally, the President's right to acquaint Parliament with his opinion by message (article 6, § 1, Law of 16 July, 1875) seems to have fallen into disuse.

It is a difficult question to determine what this constitutional custom in reality comprehends and what its juridical force is. There are writers . . . who consider that it comprehends all the fundamental principles of the public law of free peoples (liberty of thought, liberty of commerce, of labor and of industry, etc.). Others go so far as to say that this constitutional legitimacy is sanctioned by the right of the courts to refuse to apply any law contrary to it. However profound our attachment to the principles of political liberty may be, we are of the opinion that they are derived more from political opportunism than from technical juridical control.

II

POLITICAL PARTIES AND ELECTIONS

4. ORGANIZATION OF FRENCH POLITICAL PARTIES

[French political parties are only slightly regulated by law. On the other hand, they have evolved their own rather elaborate organizational set-up, including a detailed constitution, by-laws, and regulations. Typically, sovereign authority in the party resides in a national congress meeting annually.

The Radical Socialist Party, whose constitution is reproduced below, has for forty years held a pivotal position in French coalition politics. Its popular strength is derived mainly from peasants, artisans, and shopkeepers. From 1900 to 1936 it usually had the largest bloc in the Chamber of Deputies and its leadership controlled the executive branch of the Government more frequently than was the case with any other single party. After the national elections of 1936, the Socialist Party surpassed the Radical Socialists, both in popular vote and in representation in the Chamber, for the first time in the history of the Third Republic.]

The Constitution of the Radical Socialist Party. (Adopted at the Lyons Congress, 30 March, 1935. Translation by the author.)

Title I. Membership

Article 1. An association to be known as the *Parti républicain, radical et radical-socialiste* is hereby formed from the members of those groups, delegates and newspapers willing to accept

the present constitution. The national offices of the party will be located in Paris.

The party program [platform] constitutes its charter. All members are obligated to observe the program, as well as the constitution and by-laws of the party.

Article 2. Admission to membership is open to:

(1) all individuals belonging to the groups indicated in articles 4 and 7, provided they meet their annual assessments and receive party cards for the current year;

(2) all members of Parliament who belong to a local party committee and who pay annual dues of 1000 francs, provided they refrain from participating in any ministry which does not depend upon a majority drawn from the Left;

(3) newspapers which support party policies, are enrolled in a "county" party organization (*fédération départementale*) and pay annual dues of 25 francs; and

(4) all party workers and representatives on local committees who carry party cards.

Article 3. Membership in the Party is exclusive of the jurisdiction of any other party. The name of each party committee or federation must be accompanied by the words: "*Parti Républicain, Radical et Radical-Socialiste.*"

Article 4. Party members elected to public office, as well as members of the executive committee of the Party, are bound to contribute by all means at their disposal to the program and influence of the Party, particularly by the formation of

- (1) municipal committees,
- (2) cantonal committees,
- (3) electoral district committees, and
- (4) county federations.

All such committees or groups must be enrolled in the appropriate higher party organization. A minimum of seven paying members who carry the party card is necessary for the formation of a committee.

Article 5. Enrollment at Party headquarters is compulsory. Each organization must report annually in January, in addition to the total amount of its dues, a list of its officers, with the number of their membership cards. . . .

Article 6-8. [These articles contain detailed provisions relative to the formation of regional organizations, and the procedure by which applicants for membership may, in case their request is rejected by the county organization, carry an appeal to the national executive committee or, if necessary, to the national congress.]

Title II. The National Party Congress

Article 9. Members of the Congress include

- (1) all members of the national executive committee, *ex officio*,
- (2) the editors of each newspaper belonging to the Party,
- (3) delegates elected by county federations and other local groups or committees, and
- (4) elective members of the national committee.

The Congress meets annually in the city which is designated by the preceding Congress. . . .

Article 10. Each congress shall adopt rules of procedure for its deliberations. It will be the duty of the executive committee to prepare an agenda, as well as rules of procedure, for the congress. Power to determine party principles and revise the party constitution belongs exclusively to the congress. It also chooses the executive committee, which is empowered to carry out its decisions. In matters of party discipline, the congress acts as a court of last resort.

Title III. Executive Committee

Article 11. During the interval between meetings of the congress, Party affairs are administered by an executive committee, which has authority to establish smaller committees and a secretariat from among its membership.

Article 12. The function of the executive committee is to discuss all questions affecting the Party and take such steps as may be desirable in its interest.

Specifically, the committee rules on matters relative to party organization, propaganda, and discipline.

Article 13. The members of the executive committee are annually elected by the congress. Only those who have belonged for at least two years to a subordinate party committee are eligible for election.

The following are members of the executive committee *ex officio*, provided they are registered as members of a local or county committee:

(1) senators, deputies, general councillors, district councillors, and municipal councillors in cities of at least 50,000 population;

(2) honorary presidents and vice-presidents, ex-presidents, and general secretaries of the Party;

(3) the president and general secretary of each county federation; and

(4) the president and general secretary of each county youth organization of the Party. . . .

Further, upon nomination by each county federation a month in advance, the congress will annually appoint, for a one year term, dues-paying members of the executive committee in the ratio of one delegate per 100,000 population or additional fraction thereof. . . .

Finally, the congress will designate, after nomination as indicated above, additional delegates to the executive committee in the ratio of one for every 200 dues-paying party members or additional fraction thereof.

All these delegates are eligible for re-election. . . .

Women who belong to the Party shall be represented on the executive committee. To this end, the secretariat (*bureau*) . . . shall present to each congress a list of ten women in addition to those already included in the list of names nominated by the county federations.

Article 14. The executive committee, by secret ballot, selects from among its members a secretariat (*bureau*) which, under its

permanent control, is charged with the handling of current business.

This secretariat is composed of thirty-three members elected for two years; namely, a president, 16 vice-presidents (of whom eight must be members of Parliament), and 16 secretaries (including eight members of Parliament). . . .

The terms of the vice presidents and secretaries are rotated, one-half being elected each year. They are not immediately re-eligible.

The general secretary, general treasurer, and deputy general secretary are *ex officio* members of the secretariat. . . .

Article 15. [Details as to the procedure to be followed in electing the *bureau*.]

Article 16. The executive committee shall meet in plenary session one month after the close of the congress. This meeting is for the purpose of validating the credentials of committee members, electing a disciplinary commission, and determining the questions which will be considered by the executive committee during the year and brought before the next congress. County federations, local committees, and legislative officials shall be immediately notified of these questions and invited to express their opinion thereon as soon as possible. Reports to be presented to the congress should be deposited in the secretariat by the date fixed by the rules of the congress.

Article 17. Presidents and general secretaries of county federations shall meet at the places and hours fixed by the president of the Party during the afternoon preceding each session of the executive committee, in December, March, and June. Each federation is expected to be represented at these meetings by at least one delegate, either by its president or by its general secretary.

Other meetings of the conference of presidents and general secretaries may be called either by the president of the Party or by decision of the conference itself with the approval of the secretariat of the Party. . . .

Article 18. This conference elects its own presiding officer, two vice presidents, and a permanent secretary. If, however, the Party president is in attendance, he acts *ex officio* as presiding officer. . . .

Article 19. The conference of presidents and general secretaries of the federations may submit proposals and resolutions (*vœux*) to the secretariat of the executive committee. These should deal principally with the following subjects:

- (1) the central and county organization of the Party,
- (2) party propaganda,
- (3) disciplinary rules in elections, and
- (4) questions relative to county and municipal party administration.

The conference must be consulted on all proposed modifications in the rules of procedure for the party congress, in the party constitution, and in the scale of dues for individuals or groups (with the exception of members of Parliament). . . .

Article 20. In the exercise of its powers, the executive committee is restricted as follows:

(1) Appeals from all its decisions may be taken to the next Congress . . . where they will be examined *en bloc* by the Congress.

(2) More particularly, the secretariat may always refer any resolution voted in a meeting where fewer than 150 members were present, to a subsequent meeting to which provincial delegates are especially called.

Article 21. A special set of rules to be called the "*Réglement intérieur*" will govern the procedure of the meetings, the operation of the executive committee and of the secretariat, party propaganda, discipline, and electoral activity.

Title IV. Party Finances

Article 22. Party funds are derived:

- (1) from selling party cards;
- (2) from annual dues assessed upon groups, committees, federations and newspapers;
- (3) from annual dues paid by members of the executive committee. . . . ;

- (4) from gifts and subscriptions; and
- (5) from selling brochures.

Article 23. Party cards are obligatory for all official members. The price of these cards is two francs each. . . .

Article 24. Annual dues for senators and deputies are 1000 francs.

The dues of the other members of the executive committee are fifty francs; of federations and newspapers, twenty-five francs; of local committees, ten francs. Payment must be made to the central office of the Party not later than January of each year.

Article 25. Failure to pay the annual dues involves the loss of membership in the Party.

Article 26. The management of the funds of the executive committee shall be confided to a general treasurer appointed by the committee, and to a finance commission under the control of the committee.

Article 27. The finance commission is charged with the task of proposing to the executive committee ways and means of producing necessary resources for the Party. It will prepare at the end of each fiscal year a draft budget for the following year. It will submit to the secretariat each month a financial statement for the preceding month. A recapitulation of receipts and expenditures will be presented to the executive committee during the last quarter before the meeting of the congress. . . .

Article 28. The funds of the executive committee shall be deposited in the Bank of France in the name of the President and General Treasurer, who alone may order payments therefrom. However, when the balance in the Party treasury is in excess of what is necessary for current budgetary requirements, the president and general treasurer may invest the surplus in national government bonds. . . .

Title V. Revision of the Constitution

Article 29. The present constitution may be amended by the party congress after insertion on its agenda, discussion in a plenary session of the executive committee, and upon recom-

mendation by the committee on rules and organization and of the conference of federation presidents and general secretaries.

5. AN APPLICATION FOR PARTY MEMBERSHIP

[French political parties secure a considerable portion of their financial resources by selling party membership to individuals, as well as to newspapers and local groups. Official membership confers the right to vote in local and regional party meetings and to choose delegates to national congresses, provided party dues are paid annually. Ordinarily, the scale of dues is graduated according to the class of membership which is desired, as in the specimen application shown below. It will be noted on page 27 that the "Republican Federation" has four classes of membership, with dues ranging from 10 to 1000 francs. All members who pay at least 20 francs a year are entitled to receive without further charge the official newspaper of this party, which since the World War has been the most powerful of the French conservative political groups.]

6. A PARTY PLATFORM

[At the opening of a national election campaign, which is limited by law to a period of twenty days, each French political party publishes a "manifesto" outlining its position on the issues of the election. This manifesto corresponds to the American party "platform." Ordinarily, the manifesto is issued in the name either of the Parliamentary group of the party or of the executive committee of the party organization. The Socialist manifesto of 1936, which is reprinted on page 28, was published in the *Le Populaire*, the official Socialist newspaper edited by M. Léon Blum, the party president, who became France's first Socialist prime minister as a result of the Popular Front's victory in the elections.]

FÉDÉRATION RÉPUBLICAINE

DE FRANCE

36, rue de Varègne

PARIS (7^e)

Comité électoral jolifex : Paris 410-46



FORMULE D'ADHÉSION

Je soussigné,

profession

demeurant

département de

à déclare adhérer à la FÉDÉRATION RÉPUBLICAINE DE FRANCE comme membre sociétaire.

J'adresse par Chèque Postal, Mandat-Poste ou Chèque Barre (1) ma cotisation annuelle

de Frs à M. le Trésorier de la FÉDÉRATION

RÉPUBLICAINE DE FRANCE, 56, rue de Varègne, Paris (7^e).

(La cotisation des membres sociétaires est fixée à 10 francs au minimum ; ils reçoivent le titre de membres participants pour une cotisation de 10 à 100 francs, de membres souscripteurs pour une cotisation de 100 à 1.000 francs, de membres donateurs pour une cotisation d'au moins 1.000 francs.

" LA NATION ", organe officiel du Parti, est adressée gratuitement aux membres sociétaires qui versent une cotisation d'au moins 20 francs.)

A le
(Signature)

192...

(1) Rayez la mention inutile.

Election Manifesto of the Socialist Party. (Le Populaire, 6 April, 1936. Translation by the author.)

Citizens:

In every electoral district in our country, the Socialist Party appeals to you to vote for its candidates, both on the first and on the second ballot, and against the men and the parties of reaction.

This appeal is issued with pride and confidence.

Recent events of a political, financial, and economic character at home, as well as the course of our foreign policy, have strikingly justified the criticisms, apprehensions, program, and doctrine of the Party, and demonstrated how wrong the people were to confide to other parties the direction of their public affairs.

The general situation has grown incessantly worse during the four years of the present chaotic and impotent Parliament.

Deflationary measures have produced results which were denounced by us in advance: an economic crisis more and more serious and deep-rooted; budgetary difficulties rendered increasingly dangerous by mounting deficits and debts; wide-spread misery.

Nothing has been done to reduce unemployment, to resuscitate industrial and commercial activity, or to facilitate the sale of farm products at profitable prices.

The short-sightedness of some, the failures of others, and the complicity of still others have gone so far as to create a fascist peril, to the shame of our democracy. Spontaneous and nation-wide reaction of the populace was necessary in order that the country might recover from the perilous situation produced by the audacity and violence of the rioters of the 6 February, 1934. This peril, however, may re-appear. It will re-appear unless a bold, vigorous and fruitful policy follows the certain electoral victory of the forces of democracy. The fate of the Parliament of tomorrow, and perhaps that of the Republic itself, will be settled during the first few months following the convocation of the new Chamber of Deputies.

This is why it is necessary to vote Socialist. The Socialist group in Parliament must possess enough force and authority to take the initiative and to impose effective decisions in the coming parliamentary conflict.

It behooves you to vote Socialist in order that the fascist leagues may be dissolved and that the Republic may not continuously be placed in jeopardy by subversive factionalism.

It behooves you to vote Socialist in order that the public credit may no longer be under the dictation of high finance and that the Bank of France may become the Bank of the Nation.

It behooves you to vote Socialist in order that, in addition to a fiscal reform which will strike the rich in proportion to their wealth, the existing monopolies of national resources may be restored to the French nation. Only by such measures can the republican State find the means to finance such large-scale public works as will provide work for the unemployed, cause the crisis to recede, furnish the foundation for a new economy in which the principle of production for capitalistic profit will yield to the principle of production designed to increase the well-being and liberty of the working masses.

It behooves you to vote Socialist in order that republican France may take the lead in the general movement for peace through collective security by proposing general, simultaneous, and controlled disarmament, and by suppressing the private manufacture of and traffic in arms.

All these measures, which are here merely outlined, are elaborated in detail in the party program that our candidates, our militants, and our press are defending before the entire country, in industrial centers as well as in villages and rural areas.

Beyond misery, suffering, and the menace of war, the world is seeking paths to salvation.

Capitalism is everywhere incapable of assuring real order and peace. It stops work; it throws millions of human beings into unemployment; it closes the doors of life to a despairing youth that does not know how to use its intelligence and its hands of twenty years; it leads to the destruction of wealth while innumerable producers are deprived of the necessities of life; it

becomes an obstacle to progress and to science. It is without a solution, without a remedy, without a program, without a doctrine in the face of the disorder and ruin which it has produced.

To vote Socialist today is more than in any other period a national duty and a human duty.

It is necessary to have done with the oligarchy of a handful of individuals who dominate and betray the nation and enslave the mass of our citizens.

Against war, against unemployment!

For a France made free and prosperous by the liberation of work and the organization of production in harmony with science and the needs of the modern State!

In the name of the Parliamentary Socialist group,

The President:

LEON BLUM.

For the National Council,

The General Secretary:

PAUL FAURE.

7. A COALITION ELECTION PROGRAM

[The French national elections of 1936 were unique in the sense that, in addition to their individual party manifestos, the groups constituting the newly organized Popular Front of Radicals, Socialists, and Communists, adopted a common *minimum* program to which all candidates representing the anti-fascist coalition on the second ballot were required to subscribe. The Blum Government, which took office in June, pledged itself to carry into effect the provisions of this program. A large part of the program was translated into legislation during the subsequent ten weeks' session of Parliament.]

Program of the Popular Front (As published in the French press, 10 Jan., 1936. Translation by the author).

I. *Defense of Liberty*

1. General amnesty for political prisoners.
2. Against the fascist leagues:
 - (a) Disarmament and effective dissolution of all quasi-military organizations, in conformance with the law.
 - (b) Enforcement of laws against the provocation of rioting or against attacks upon the security of the State. . . .
3. The press:
 - (a) Abrogation of decree-laws restricting freedom of opinion.
 - (b) Reform of the press by the adoption of legislation:
 - (1) effectively suppressing journalistic blackmailing; and
 - (2) assuring to journalists decent means of existence, obliging them to make public the sources of their income, putting an end to private monopolies of commercial advertising and the scandals of financial publicity, and, finally, preventing the formation of newspaper "trusts."
 - (c) Organization of government radio broadcasting with a view to insuring accuracy of information and equality to all political and social groups using the radio.
4. Trade-union liberties:
 - (a) Application of and respect for the labor rights of all.
 - (b) Respect for the right of women to work.
5. Education and liberty of conscience:
 - (a) Strengthening of the public schools not only by adequate appropriations, but by such reforms as the raising of the compulsory school age to 14 years and, in secondary schools, the imposition of more rigorous standards of admission.

- (b) Guarantees, to pupils and teachers alike, of full liberty of conscience, particularly by respecting academic "neutrality," "secularization" and the civil rights of teachers.

II. *Defense of Peace*

1. To appeal for popular support, especially from labor, for the maintenance and organization of peace.
2. To cooperate internationally, within the *cadre* of the League of Nations, for collective security, by defining aggression and by applying sanctions automatically and concertedly in case of aggression.
3. To strive incessantly to change from an "armed" to a "disarmed" peace, by agreements first to limit and then to reduce and control armaments generally and simultaneously.
4. To nationalize war industries and suppress the private traffic in arms.
5. To repudiate secret diplomacy, and undertake public negotiations for the purpose of bringing back to Geneva those States that have withdrawn, without, however, weakening in any way the constitutional principles of the League of Nations: collective security and indivisible peace.
6. To render more flexible the procedure envisaged by the Covenant of the League for the peaceful revision of treaties dangerous to the peace of the world.
7. To extend, notably in eastern and central Europe, the system of security pacts open to all, following the principles of the Franco-Soviet pact.

III. *Economic Demands*

1. Restoration of consumer purchasing power destroyed or reduced by the economic depression:
 - (a) by measures against unemployment and the industrial crisis—
 - (1) institution of a national unemployment fund,
 - (2) reduction of the working week without lowering the weekly wage,

- (3) provision of more work for youth by establishing adequate retirement pensions for industrial workers, and
 - (4) rapid execution of a program of useful public works by the joint efforts of central and local governments and private capital.
- (b) by measures dealing with the agricultural and commercial crisis—
- (1) revalorization of agricultural products, combined with an attack upon speculation and the high cost of living, in such a way as to reduce the spread between wholesale and retail prices;
 - (2) in order to eliminate the "tithe" now levied by speculators upon producers and consumers, the creation of a national cereal administration;
 - (3) support to agricultural coöperatives, the sale of fertilizer at low cost by national agencies; the development of agricultural credit, and the reduction of agricultural rents; and
 - (4) suspension of foreclosures and the alleviation of mortgages on property. . . .
2. Stoppage of the plunder of savings and a better organization of credit by:
- (a) regulation of the banking profession,
 - (b) regulation of the balance-sheets of banks and private corporations,
 - (c) stricter regulation of the powers of officers of private corporations,
 - (d) denial to retired civil servants of the right to sit on corporate boards of directors, and
 - (e) in order to free credit and savings from being dominated by an economic oligarchy, transformation of the Bank of France from a private into a public institution. . . .
3. A financial housecleaning by:
- (a) regulation of war contracts along with the nationalization of munitions industries;
 - (b) elimination of waste in civil as well as military administration;

- (c) institution of a war pensions fund;
- (d) a democratic reform of the tax system with a view to stimulating economic recovery, the creation of additional revenue by taxing large fortunes, the rate to increase rapidly upon increments in excess of 75,000 francs [\$5,000], reorganization of inheritance duties, and taxes on monopolistic profits without affecting adversely retail prices;
- (e) suppression of fraud in handling securities by rigorously putting into use the fiscal identification certificate recently voted by Parliament; and
- (f) checks on the flight of capital by confiscating funds held in concealment abroad or their equivalent in France.

8. THE ELECTORAL SYSTEM FOR THE CHAMBER OF DEPUTIES

[Since 1875 France has vacillated between three different systems of popular representation in the Chamber of Deputies. The so-called *list* system, by which each *département* constitutes a single constituency and elects a quota of deputies in proportion to its population, was used from 1885 to 1889. A complicated scheme of proportional representation was in operation from 1919 to 1927. The rest of the time the single-member district basis of representation has been employed. Despite the fact that this system favors "gerrymandering" and often results in a disproportion between the size of the popular vote and the number of candidates elected by a given party, the controlling party groups have clung to it because it facilitates government pressure upon candidates in local areas. Agitation for a genuine P.R. system, however, is growing.]

The election law which has been in operation since 1927 illustrates how the machinery of a French national election operates. Central control over election mechanics is vested in the Ministry of the Interior. Locally, prefects and mayors are the key officials.]

Election Law of 1927 (Journal officiel, 22 July, 1927. Translation by the author).

Article 1. The members of the Chamber of Deputies are elected on a single-member district basis [*scrutin uninominal*].

Article 2. The number of deputies is fixed for the 14th legislature at 612, in accordance with the table annexed to the present law which delimits electoral districts in proportion to population. [The number of deputies was subsequently increased to 618.]

Article 3. Election on the first ballot [*premier tour de scrutin*] requires (1) an absolute majority of all votes cast and (2) an aggregate vote of at least one-fourth of the total number of registered voters. On the second ballot a plurality suffices for election. In case two or more candidates receive an equal number of votes, the eldest is elected.

Article 4. The second balloting shall take place on the Sunday following the day on which the results of the first ballot are proclaimed.

Article 5. The votes cast in each electoral district shall be publicly counted at the county seat [*chef lieu du département*], not later than the first Tuesday after the balloting. This task shall be performed by a commission composed of the presiding judge of the civil court, as chairman, and of the four members of the general council (not candidates) who have the longest terms of service; in case of equal terms, the older councillor will sit on the commission. . . .

Article 6. In case of a vacancy caused by death, resignation, or otherwise, a special election must be held within the following three months.

Article 7. Vacancies occurring during the last six months of the life of the Chamber will not be filled by a special election.

Article 8. In every parliamentary election, at least twelve days before the first balloting and three days before the second, there shall be constituted at each county seat a commission consisting of all candidates or their representatives (one per candidate), which shall be presided over by the presiding judge of the civil court, or a judge designated by him, to be assisted by the chief postal collector, and have the services of the chief *greffier* of the court as secretary. This commission shall be responsible for the

printing and distribution of all ballot papers and of all campaign circulars of which texts or copies are submitted by candidates. The commission shall have its headquarters in the prefecture.

Article 9. Two sample ballots for each candidate, and, upon request, a circular not exceeding two double or four single pages, or any other communication relating exclusively to the election, shall be mailed to each eligible voter, in a sealed, franked envelope. Anyone using such franking privilege for the purpose of sending to voters extraneous material shall be subject to a fine of from 500 to 5000 francs. As many ballot papers for each candidate as there are voters shall be deposited at the town hall [*mairie*] so as to be available for use at each polling place. The mayor shall immediately acknowledge receipt thereof by letter to the secretary of the commission. A supply of sample ballots double the number of voters shall be furnished to those candidates who so request the commission.

Article 10. Franked envelopes shall be supplied to the commission by the authorities of the prefecture. Either the prefect or the Minister of the Interior may requisition such envelopes.

Article 11. The commission shall determine the total costs occasioned by the application of the above provisions and allocate the share to be met by each candidate, which shall be increased by the sum of 100 francs as compensation to the commission's secretary. Each candidate's quota must be paid within twenty-four hours to the secretary, who shall give a receipt therefor.

Article 12. As soon as payment shall have been made, and at least twelve days before election day, the chairman of the commission shall order the ballots printed, along with the circulars, if any.

Article 13. Every candidacy declared later than the date fixed in the preceding article, but at least five days before the election, may take advantage of the franking privilege covering two sample ballots, a circular or one other communication relating exclusively to the election. These documents must be mailed at the main post office in the county seat.

Article 14. The commission referred to in article 8 shall remain in operation so that, in case a second balloting is necessary, it may carry out the functions confided to it not later than the third day preceding the second election. The commission shall

then consist of the candidates to be voted on in the second balloting, or their representatives. New candidacies must be declared by midnight on Wednesday following the first polling day.

9. THE CALLING OF A NATIONAL ELECTION

[Shortly before the expiration of each four year term of the Chamber of Deputies, a decree fixing the date for the election of their successors is issued by the President of the Republic and countersigned by the Minister of the Interior. In addition, this decree instructs local officials in detail as to how the election laws are to be applied. The text of the decree appearing below should be studied in conjunction with the text of the election law of 1927 reproduced in the preceding section.]

Decree Ordering the Parliamentary Elections of 1936 (Journal officiel, 17 March, 1936).

The President of the French Republic,

Upon the report of the President of the Council, Minister of the Interior. . . .

Decrees:

Article 1. The electoral colleges of the legislative constituencies as determined by law are convened for Sunday, 26 April, 1936, for the purpose of electing one deputy in each constituency.

Article 2. The election will take place on the basis of registration lists closed on 31 March, 1936.

Mayors of the communes in which, in conformance with article 8 of the decree of 2 February, 1852, it is necessary to modify these lists, shall publish a statement of the changes five days before the polling day.

Article 3. The voting shall last only one day. The polls shall open at eight o'clock A.M. However, in those communes where, in order to facilitate the exercise of the right of suffrage, it shall appear desirable to advance the hour, prefects shall issue special instructions to this effect and have them posted publicly in each commune concerned at least five days before the date of the election. In all cases the polls shall close at six o'clock P.M.

The counting of the votes shall follow immediately. Only the ballots cast for those candidates who shall have observed the provisions of the law of 17 July, 1889, and whose nomination papers shall have been transmitted by the prefect to the mayors of the communes concerned at least two days before the polling day, shall be counted.

Article 4. The canvassing of the vote in each electoral district shall be conducted at the county seat [*chef lieu du département*], in the presence of the public, by a commission established in accordance with article 6 of the law of 21 July, 1927, and article 6 of the law of 31 March, 1914.

Article 5. The run-off vote [*second tour de scrutin*], if such be necessary, shall take place on the Sunday following the day on which the results of the first voting are announced.

Article 6. The President of the Council, Minister of the Interior, is charged with the execution of the present decree, which shall be published wherever needed, in conformance with the provisions of the ordinances of 27 November, 1816, and of 18 January, 1817.

Done at Paris, 16 March, 1936.

Albert Lebrun.

By the President of the Republic:
The President of the Council,
Minister of the Interior,
Albert Sarraut

10. THE "SHORT BALLOT"

[When a Frenchman votes, he is never faced with the confusion of a "long ballot," as so often happens to the American voter. So far as his national government is concerned, the Frenchman votes directly for but one official—his legislative representative in the Chamber of Deputies. Similarly, in local government, direct election is used only for choosing members of the council of the *département*, *commune*, and *arrondissement* respectively. No administrative or judicial officers are popularly elected.

The two *sample* ballots reproduced on slightly reduced scale on the opposite page were used in a Paris electoral district in the

ÉLECTIONS LÉGISLATIVES DU 22 AVRIL 1928

Raphël Louis BONIER

Avocat à la Cour
Républicain Radical

ÉLECTIONS LÉGISLATIVES DU 22 AVRIL 1928

Parti Socialiste S. F. I. O.

5^e ARRONDISSEMENT — 2^e CIRCONSCRIPTION

Pierre AUDUBERT

Candidat

national elections of 1928. At the polls all the voter had to do was to deposit in the electoral "urn" the *official* ballot paper on which the name of his chosen candidate was printed.]

II. POLITICAL CARTOONS

[A favorite type of campaign appeal in France is the political cartoon. Large posters containing such cartoons and other printed material are conspicuously displayed on special bulletin boards provided by each municipality. The space on these bulletin boards is allocated equally among contending party organizations. On the next page are samples (on reduced scale) of two cartoons which were widely used in the 1936 elections. The upper cartoon represents a Communist appeal to vote against the "bloody horrors" of fascism, the diabolical figure representing Adolf Hitler; the lower one, put out by the "National Republicans," a Rightist party, is designed to portray the Left coalition as a tool of Moscow: "It is the Soviets that pull the strings of the Popular Front."]



III

THE POLITICAL EXECUTIVE AND PARLIAMENT

12. HOW A NEW GOVERNMENT TAKES OFFICE

[In the French parliamentary system, the cabinet, or council of ministers, is collectively responsible to the legislature for its political acts. Concretely, this means that whenever the cabinet loses the confidence of either house of the national legislature it must resign. In most cases, the resignation of a cabinet follows a formal vote of no confidence by the Chamber of Deputies, or, as occasionally happens, by the Senate. After a national election, however, in which the government in office has clearly lost its parliamentary majority, it has become customary for the outgoing cabinet to present its resignation to the President of the Republic immediately upon the opening of the new Parliament, without waiting for a vote of no confidence. This was the case following the elections of 1932, when the Left Bloc led by Edouard Herriot defeated the conservative coalition led by Premier André Tardieu.]

Below are the texts of the principal decrees officially appointing the members of the incoming Herriot government. Paradoxically enough, the retiring Prime Minister is constitutionally obliged to countersign the appointment of his own successor, as well as the acceptance of his own resignation.]

Decrees Appointing the Herriot Government of 1932 (Journal officiel, 4 June, 1932).

[Appointment of the New Foreign Minister.]

The President of the French Republic

Decrees:

Article 1. M. Edouard Herriot, deputy, is appointed minister of Foreign Affairs, in place of M. André Tardieu, whose resignation is accepted.

Article 2. The President of the Council, Minister of Foreign Affairs, is charged with the execution of this decree.

Done at Paris, 3 June, 1932.

Albert Lebrun.

By the President of the Republic:

The President of the Council,

Minister of Foreign Affairs,

André Tardieu.

[Designation of the New Foreign Minister to be President of the Council of Ministers.]

The President of the French Republic

Decrees:

Article 1. M. Edouard Herriot, deputy, Minister of Foreign Affairs, is appointed President of the Council of Ministers, in place of M. André Tardieu, whose resignation is accepted.

Article 2. The President of the Council, Minister of Foreign Affairs, is charged with the execution of this decree.

Done at Paris, 3 June 1932.

Albert Lebrun.

The President of the French Republic

The President of the Council,

Minister of Foreign Affairs,

André Tardieu.

[*Appointment of the Minister of Finance in the New Government.*]

The President of the French Republic,
Upon the proposal of the President of the Council, Minister
of Foreign Affairs,
Decrees:

Article 1. M. Germain Martin, deputy, is appointed Minister
of Finance.

Article 2. The President of the Council, Minister of Foreign
Affairs, is charged with the execution of this decree.

Done at Paris, 3 June, 1932.

Albert Lebrun.

By the President of the Republic:
The President of the Council,
Minister of Foreign Affairs,
Edouard Herriot.

[In the same issue of the *Journal officiel* appeared sixteen additional decrees, identical in form with the foregoing decree, officially confirming the appointment of the other ministers in the Herriot government.]

[*Appointment of the Under-Secretary of State for Air.*]

The President of the French Republic,
Upon the proposal of the President of the Council, Minister
of Foreign Affairs, and of the Minister for Air,
Decrees:

Article 1. M. Bernier, deputy, is appointed Under-Secretary
of State in the Ministry for Air. He is charged, in this capacity,
with the industrial and commercial coordination of purchases
for the national defense.

Article 2. The President of the Council, Minister of Foreign
Affairs, and the Minister for Air are charged with the execution
of this decree.

Done at Paris, 3 June, 1932.

Albert Lebrun.

By the President of the Republic,
The President of the Council,
Minister of Foreign Affairs,
Edouard Herriot.

The Minister for Air,
Paul Painlevé.

The Minister for War,
Paul-Boncour.

The Minister of the Navy,
Georges Leygues.

[Ten additional decrees, similarly countersigned by the ministers concerned in each instance, announced the appointment of the other under-secretaries of state in the new government.]

13. THE CABINET AT WORK

[As an agency of policy-determination and administrative co-ordination, the cabinet in a parliamentary system has a heavy responsibility. In France the discharge of this dual function is made peculiarly difficult not only because the expectancy of life of most cabinets is at best only a few months, but also because, until recently, there was no permanent secretariat to aid in the orderly preparation of business for cabinet meetings or in recording decisions taken in the course of their deliberations. M. Poincaré, who five times served as head of the cabinet and was one of France's outstanding national leaders, recounts in satirical style how cabinet meetings frequently tend to fritter away their time on trivial matters, to the detriment of the transaction of important business.]

Poincaré's Description of a Cabinet Meeting (In the *Revue de Paris*, 1898, as quoted in H. Fayol, *L'Industrialisation de l'Etat*, Paris, 1921, p. 101. Translation by the author.)

Important business will be dealt with to-morrow, but this morning there are so many little things to settle! A certain

deputy, displeased over the appointment of a *receveur ruraliste*, is to interpellate in the afternoon; it is necessary to foresee what incidents may take place during the course of the debate and what "orders of the day" may be presented. Another deputy demands for his protégé a judgeship which a senator solicits for another candidate. Grave conflict! To whom shall satisfaction be accorded? The senator is faithful, the deputy inconstant. The cabinet deliberates, and as one might suspect, the deputy is the victor. Ten o'clock sounds, ten-thirty, eleven o'clock. The Minister of Foreign Affairs has received some important news that he wishes to communicate to the cabinet, the Minister of Finance is the bearer of grand reforms which will require profound study. What can be done? It is late; the Minister of the Interior is awaited by the journalists who have come for conference with him. We must adjourn. Besides, does not the Minister of Foreign Affairs know better than any one what decision should be taken? Is not the Minister of Finance the most competent of all in matters of finance? The best thing is to give them *carte blanche*. Another day we will talk about general public policy; another time we will attend to France.

14. A MINISTERIAL DECLARATION TO PARLIAMENT

[The first public act of an incoming French cabinet is to make to Parliament a declaration of what its policies are to be. This declaration, read by a minister before each legislative chamber, invariably precipitates a general debate on the new government's program, ending in a vote either of confidence or of censure. No cabinet has any real assurance of staying long in office unless it survives this first test with a substantial affirmative majority. The declaration here reproduced was read to the Chamber of Deputies by Premier Léon Blum, and to the Senate by Edouard Daladier, Vice-President of the Council of Ministers and Minister of War, upon their advent to power following the Popular Front victory in the 1936 elections. This declaration

is notable not only for its frankness of tone, but especially for the definiteness of the legislative program which it proposed.]

Declaration to Parliament by the Blum Government on 6 June, 1936 (as reported in the New York Times, 7 June, 1936).

The government comes before you following the general elections at which the sentence of universal suffrage, which is the judge and master of all of us, has been rendered with more power and clarity than at any time in the history of the Republic.

The French people have shown a steadfast decision to preserve the democratic liberties which they created and which remain in their possession against all attempts of violence or of cunning. They have confirmed their resolution to seek by new ways remedies for the crisis that is crushing them, for relief from sufferings and torment, and a return to active, healthy and confident life.

Finally, they have proclaimed the will for peace that animates the whole nation.

The task of the government that comes before you, therefore, has been laid down from the outset.

It does not need to seek a majority. Its majority is established. Its majority is that which the country has returned. It is an expression of that mass of voters assembled under the banner of the Popular Front. It has the confidence of that majority, and the only problem confronting it will be to deserve and keep that confidence.

It does not need to formulate a program. Its program is that common program signed by all the parties who compose the majority, and all that has been done is to translate that program into laws.

These laws will be rapidly put in force successively, for it is by the convergence of their effect that the government will reach the moral and material changes demanded by the country.

At the beginning of next week we shall lay before the House a number of bills that we shall ask both assemblies to vote before their vacations.

These bills will deal with political amnesty; a 40-hour week; collective contracts; paid holidays; a large public works program for improved economic, sanitary, scientific, sport and tourist equipment; nationalization of the manufacture of arms of war; creation of a wheat board, which will serve as an example for the revalorization of other agricultural products, like wine, meat and milk; extension of the school age; reform of the statutes of the Bank of France guaranteeing a preponderance of national interests in its direction; partial revision of the decree laws in favor of the public servants and war veterans who are most severely affected.

As soon as these measures are voted we shall present in Parliament a second series of bills concerning national funds for unemployment, insurance against agricultural calamities, management of the agricultural debt system, and pensions guaranteeing aged workers in the cities and country against misery.

Shortly afterward we shall lay before you a large system of fiscal simplification and relief, which will ease production and commerce and call for no new revenues except out of the accumulated fortunes of repression and fraud and, above all, out of a return of general activity.

While we shall be seeking in full collaboration with you to re-animate French economy, to absorb the unemployed, to increase the mass of incomes, and to furnish some happiness and security to all those who create the real wealth by their labor, we shall have to govern the country.

We shall govern as republicans. We shall assure republican order. We shall apply with quiet firmness the laws in defense of the Republic. We shall show that we intend to animate the whole administration and all public services with the republican spirit. If democratic institutions are attacked we shall assure to them inviolable respect with a vigor equal to any threats or resistance.

The Government does not underestimate either the character or gravity of the difficulties that await it. It will not conceal them from the country. Within a few days it will publish a

balance sheet of the economic and financial situation as it is at the commencement of the present Legislature.

It knows that to a country like France, ripened by the long use of political liberty, it can speak the truth without fear and that by frankness the Government will reassure, instead of diminish, the necessary confidence of the nation in itself.

As for ourselves the immensity of the task that confronts us, instead of discouraging us, only increases our ardor for work.

It is in the same spirit and with the same resolution that we shall undertake the conduct of international affairs. The desire of the country is plain. It wants peace. It wants it unanimously. It wants peace with all the nations of the world and for all the nations of the world.

It identifies peace with respect for international law and international contracts and with fidelity to engagements and to the given word. It desires ardently that the organization of collective security should permit the end of the unbridled armaments race in which Europe is involved and should lead to an international agreement for the publication, progressive reduction and effective control of national armaments.

For its guidance the Government will take this unanimous desire, which is not an evidence of weakness. The will for peace of a nation like France—when it is sure of itself, when it is based on morality and on honor, on fidelity to proved friendships, on the profound sincerity of the appeal that it addresses to all peoples—can be proclaimed with pride and honor.

Such is our program of action. To accomplish it we ask no other authority than that which is fully compatible with the principles of democracy. But we need that in full.

What creates authority in a democracy is the rapidity and energy of methodically concerted action—the conformity of this action with the decision of universal suffrage, the fidelity to public engagements toward the electoral body, the firm determination to put an end to all forms of corruption. What makes it legitimate is the double confidence of Parliament and of the country.

We need both. The republican Parliament, the delegate of

the sovereign people, will understand with what impatience great accomplishments are awaited and how perilous it would be to disappoint the eager hope of relief, of change and of renewal, which is not special to any political majority or to any social class but which spreads throughout the whole nation.

It will thus show once more the partiality and vanity of attempts made to discredit it in public opinion.

On its side the country will understand that the task which it has given to the new Chamber, and which in turn the majority has given to us, cannot be accomplished unless the Government has free direction, as it has responsibility, unless the maintenance of concord and public security provides the indispensable conditions for the efficacy of its work and unless political parties and co-operative organizations all help in its efforts.

We have an ardent desire that the first results of the measures that we are going to set in operation with your collaboration should be promptly effective. We do not expect from them only the appeasement of present miseries. We shall hope to re-animate in the heart of the nation its faith in itself, in its future, in its destiny.

Closely bound to the majority from which we spring, we are convinced that our action should and can reply to all generous aspirations and benefit all legitimate interests.

Fidelity to our engagements will be our rule. Public welfare will be our aim.

15. PARLIAMENTARY CONTROL OVER THE EXECUTIVE

[The French Parliament has at its disposal various means of exercising control over the Executive. These instruments of control include: (1) the criticism, amendment, or rejection of the Government's legislative proposals; (2) the refusal to authorize taxes or to grant appropriations; (3) the auditing of administrative accounts; (4) the investigation of official administrative behavior by parliamentary committees of inquiry; (5) the presentation of oral and written questions to ministers, who in most instances find it politically expedient to reply; and (6)

votes of censure or no confidence following "interpellations" of the Government's policy. Differing from English parliamentary practice, the interpellation is a formal question which always gives rise to a full-dress debate and a vote. If the vote is hostile to the resolution, or "order of the day," on which the Government chooses to stake its life, it must resign. More French cabinets fall by this procedure than by any other. It is a practice which is frequently abused and upon which much criticism has been heaped. So far, however, proposals to "rationalize" its use have failed of adoption.

Excerpts from the complicated rules of the Chamber of Deputies which govern the use of the "interpellation" and the "question" are presented in the first passage, and an example of a written parliamentary question in the second. The third passage contains M. André Siegfried's trenchant comments on the mixed consequences of parliamentary interference with the administrative bureaucracy, which really constitutes the "permanent" government of France.]

Rules Governing Interpellations and Questions. (Réglement de la Chambre des Députés, 4 Feb., 1915, chap. XIV, as later amended.)

III. Each deputy desiring to address an interpellation to a member of the Government shall present his request in writing to the President [of the Chamber]. This request shall summarize the object of the interpellation. The President shall read it to the Chamber. Interpellations by one deputy to another are forbidden.

III.2. The Chamber, after having heard one of the members of the Government, shall, without debate on the substance of the question, fix the day on which the interpellation is to be made. Interpellations on domestic policy may not be deferred more than one month. After the three sessions subsequent to that in which the Chamber has set the date for the discussion

of an interpellation, or after this discussion has begun, no new interpellation may be adjoined to the original one. The speaker enrolled for this purpose may not yield his turn to another interpellator already enrolled for the same question. No interpellation may be made in connection with the discussion of the budget.

113. No qualified [*motivé*] order of the day relative to interpellations may be presented unless it is drafted in writing and laid on the President's desk.

114. An unqualified [*pur et simple*] order of the day, if such is requested, always has priority.

115. If an unqualified order of the day is not proposed, or if it is rejected, the Chamber may, upon the demand of one of its members, decide to refer to the appropriate standing committee, or to its bureaux, the consideration of qualified orders of the day. The Chamber shall act upon the report of the standing committee or of any special committee set up by its bureaux. If the resolution of this committee is rejected, qualified orders of the day shall be voted upon in the order fixed by the Chamber.

116. If no unqualified order of the day is adopted and if reference to a standing committee or to the bureaux is not ordered in conformance with the foregoing article, the President shall submit the qualified orders of the day to a vote by the Chamber. The Chamber shall decide questions of priority. No addition to an order of the day may be put to a vote unless it has been deposited and communicated to the Chamber prior to the vote on such order of the day.

117. Requests for interpellations, if withdrawn by those members who originally made them, may be resumed by other deputies.

118. Every deputy may submit written or oral questions to a minister.

119. Written questions, prepared in summary form, shall be transmitted to the President of the Chamber. Within one week following their transmissal, they should be printed, along with the replies made by the minister. The latter has the option of declaring that the public interest forbids a reply, or, in excep-

tional cases, he may ask for further time in which to assemble the facts for his reply.

120. Oral questions may, at the opening or at the end of any sitting, be addressed to a minister, provided the latter consents in advance. Only the deputy who asks the question has the right to reply in summary fashion.

A Written Question and the Reply. (*Journal Officiel*, 11 Nov., 1933.)

M. Gustave Doussain asks Monsieur the Minister of the Budget whether it is possible: (1) to make known the numbers of tax-payers who have made revised tax declarations in conformance with article 79 of the law of 31 May, 1933; (2) to indicate the total revenue yield which has been produced as a result. (Question of 1 October, 1933.)

Reply. Direct taxes: the number of supplementary assessments resulting from the revised declarations called for by article 79 of the law of 31 May, 1933 aggregate 5,075, and their total yield is 13,527,000 francs.

Taxes on business turnover: (1) 1,232 revised declarations; (2) 3,948,248 francs collected. These figures represent yields obtained by the three administrative divisions (indirect taxes, registrations, and customs) charged with the collection of the business turnover tax.

Taxes whose collection belongs to the registrations administration, exclusive of the turnover tax: number of infractions corrected, 5,963; amount collected, 29,699,931 francs; amount recognized as due but not yet collected, 4,452,010 francs.

Parliament and the Bureaucracy. (A. Siegfried, *France: A Study in Nationality*, New Haven, 1930, pp. 107-108. Reprinted by permission of the Yale University Press.)

This is a singular *régime*, arising almost entirely from distrust and protest. It is by questions and control that the member makes his power felt, and it is by becoming as Minister the head of an administration that he tries to force his will upon the impenetrable ranks of the civil servants. But, as La Roche-

foucauld remarks, "One may give advice, but one cannot influence conduct." The civil servant wins out in the end, for as he alone knows the technique and routine, the Minister's influence is greatly reduced in actual practice. A permanent rule of suspicion is developed from this. According to Alain, "The control exerted by democracy is nothing less than the power continually on the alert to dispose alike of kings and specialists the moment they do not work for the good of the greatest number." . . .

But according to Robert de Jouvenel, "The democracy based on control has fallen complacently asleep, since the Minister now works hand in hand, even against Parliament, with the men whom he has been appointed by Parliament to control." This is also the opinion of that most competent judge, M. Charles Seignobos: "The ministers, once they form part of the tradition, are constrained to work in harmony with their subordinates, the civil servants, to carry on the traditional and automatic routine." Nevertheless, he considers that sooner or later by means of the budget, and especially by questions in Parliament, the Chamber brings them back under its control.

This control, despite all, has its virtues. I was attached for some time to one of our chief administrative departments. Usually we did our share of work conscientiously in a quiet atmosphere of daily routine, but there were days when one hardly recognized the place—the director had nerves, the letter-files seemed to pile up hectically on the tables, and the typists all had their teeth on edge. There was a question to be asked in the House by a deputy . . . and everyone jumped except the porters! This intervention of the deputy serves thus as a spur to keep the horse panting, even when it is not in use. It also acts as a master-key, able to open and track down everything.

16. ABUSES OF PARLIAMENTARY CONTROL

[Critics of the French governmental system have long contended that its most serious weakness is cabinet instability. This is due in part to the multiplicity of parties, which makes *coali-*

tion cabinets inevitable; still more to the fact that under the Constitution the executive can not dissolve the Chamber of Deputies without the Senate's consent. In practice, this has meant that since the famous "*seize mai*" episode in 1877 the Chamber has never been dissolved.

In the first passage quoted below, M. André Tardieu condemns from his own experience the ease with which the executive may thus be "victimized" by parliamentary intrigue. In the second quotation, the former Premier argues for an effective power of dissolution, similar to British practice.]

The Testimony of a Former Prime Minister. (A. Tardieu, *France in Danger*, London, 1935.)

I was three times a Premier myself. And my experience invariably was that as soon as the head of the Government had chosen his ministers, he was handed over helplessly to the whims and caprices of parliamentary chicanery. There are two assemblies, each of which is subdivided into some twenty permanent commissions, which, to quote Monsieur Poincaré's words, look on themselves as "so many executive committees." At any moment, the President of the Council must be at the beck and call of any of these petty cliques, under penalty of being charged with disrespect and dictatorial tendencies. In the "plenum" he is subjected to the attacks of gangs of hecklers, whose interruptions are kept under strict check in other countries, while their license in Paris is limitless. And, in addition to the brawlings of the hecklers, there are formal written and oral questions. The head of the Government, is, so to speak, perpetually in the dock, and must always put in an appearance at the various parliamentary assemblies and their subdivisional committees. This eternal inquisition is termed parliamentary control. But control of this type is really an intolerable encroachment on the rights of the Government. It is tyranny—not control. (Pp. 116-118.)

There is no possibility of a dissolution when it depends on

the Senate to set the machinery in motion for that purpose. If the executive proposes a motion for dissolution, the Senate will reject it. Jurists have long since drawn attention to this deplorable state of things, and they all agree regarding the question of dissolution. France has merely the pretense of a parliamentary government. . . .

There remains a practical argument which has been used and abused. It is contended that dissolution would entail a state of permanent instability and a never-ending succession of general elections. "Do you wish to condemn the nation to such a fate?" we are asked.

This argument would be tenable perhaps if we proposed to link the outbreaks of ministerial crises automatically with appeals to the electorate. If such were the case we would be obliged to have a dissolution whenever a cabinet fell. But such an issue is not at stake. What is required is that the heads of French governments should be accorded the same right which English governments enjoy, i.e., the definite certainty under the guarantee of their good sense and responsibility, of securing from the head of the State, should they demand it, the dissolution of the Chamber of Deputies. . . .

When a minister, defeated by both Chambers, feels that he is condemned by the country, does anybody suggest that he will dream of dissolution? Does anybody suggest that, when in July, 1926, M. Edouard Herriot's one-day Cabinet fell with the crash of the franc, he would have thought even for a moment of appealing to the electorate?

If, on the other hand, a firmly entrenched minister is the victim of one of these lobby intrigues to which the representatives of the "begging orders" are so prone, is it not clear that the very right to bring about a dissolution will prevent him from putting dissolution into operation? The abettors of the lobby intrigue, being rendered liable by this very law to the expense and risk attendant upon an electoral campaign, will keep quiet. (Pp. 168-171.)

17. DELEGATION OF EMERGENCY LEGISLATIVE POWER TO THE EXECUTIVE

[In the French parliamentary system, the Executive possesses an extensive ordinance power. Historically, this power is a heritage of monarchy and empire. Its legal basis is the clause in the Constitution of 1875 which confers upon the President the duty to have the laws faithfully executed. While for the most part the innumerable ordinances issued under this power have to do with administrative matters, some of them are in substance "secondary" legislation.

In order to permit expeditious action by the Executive in time of emergency, the French Parliament has on several occasions during and since the World War gone so far as to delegate to the cabinet the express power to legislate by decree for certain specified purposes and during limited periods of time. Thus, in 1926 and 1934, authority to effect fiscal reforms and administrative economies by "decree-laws" was granted to the Executive. Again, in 1935, the Laval Government was given even broader power to legislate by decree during the monetary crisis against which France was then struggling. In order to illustrate this procedure, two of the acts delegating such power are quoted below. Until ratified by Parliament, these decree-laws remain simple decrees; once ratified, they have the same effect as statutes. They may therefore change previous law, may not be amended or repealed except by parliamentary action, and are not subject to review by the Council of State. Over 100 decrees were issued by the Poincaré Government while the act of 1926 was in effect. The Laval Government produced five times as many decrees on a wide variety of subjects under its emergency grant of legislative power during the summer of 1935. Many observers have characterized the Government of France during such periods as a limited "constitutional dictatorship."]

Law of 3 August, 1926.

Article 1. Until 31 December, 1926, the Government is authorized to order by decree the abolition or consolidation of administrative posts, agencies, or services. When such measures necessitate changes in organization, formalities or procedures fixed by law, or the annulment or transfer of appropriations, they must be submitted to the Chambers for ratification within a period of three months. . . .

Law of 8 June, 1935.

Article 1. With a view to avoiding monetary devaluation, the Senate and the Chamber of Deputies authorize the Government, until 30 October, 1935, to issue decrees, having the force of law, designed to prevent speculation and to defend the franc.

These decrees, which are to be issued in the name of the Council of Ministers, must be submitted for ratification by Parliament before 1 January, 1936.

IV

THE LEGISLATIVE PROCESS

18. COMMITTEE SYSTEM OF THE CHAMBER OF DEPUTIES

[All large parliamentary bodies the world over have developed systems of standing and special committees with which to order and expedite their legislative work. "Grand standing committees," writes Professor R. K. Gooch (*The French Parliamentary Committee System*, New York, 1935, p. 82), "are at present an integral part of the organization of the parliamentary system in France." In more critical vein, another American student has observed: "To the executive the commissions are instruments of torture; to members of the legislature they are admirable devices for legislative supervision." (L. Rogers, "Parliamentary Commissions in France," *Pol. Sci. Quart.*, Dec., 1923.)

By studying the two passages quoted below from the rules of the Chamber of Deputies, many suggestive points of comparison between French parliamentary and American congressional committee organization and procedure may be discovered.]

Composition of Standing Committees. (*Réglement de la Chambre des Députés*, 4 Feb., 1915, chap. III, as later amended. Translation by the author.)

11. At the beginning of each legislative term, as well as each regular session, the Chamber of Deputies shall elect nineteen regular standing committees, without regard to such other special or permanent committees it may decide to constitute. These standing committees shall be named as follows: (1) committee on general, departmental, and communal administration, (2)

committee on foreign affairs, protectorates, and colonies, (3) committee on agriculture, (4) committee on the army, (5) committee on social insurance, (6) committee on the budget, (7) committee on commerce and industry, (8) committee on accounts and economies, (9) committee on the tariff, (10) committee on education and fine arts, (11) committee on public health, (12) committee on civil and criminal legislation, (13) committee on fiscal legislation, (14) committee on the navy, (15) committee on merchant marine, (16) committee on mines, (17) committee on postal and telegraph services, (18) committee on labor, (19) committee on public works, railways, and communications.

12. Standing committees shall be elected by the entire Chamber on a general ticket basis. Each committee shall have 44 members. Five days before the date set for the election of these committees the bureau of each party group shall transmit to the President of the Chamber, with a view to its publication at the end of the official record *in extenso*, the electoral list of their members. No name may appear simultaneously on the list of the two groups. Three days before the date fixed for the election the bureaux of the groups shall, concertedly, transmit to the President of the Chamber a list of candidates established according to the rule of proportionality. This list shall be immediately inserted at the end of the official record *in extenso*. Each list of candidates thus placed in the hands of the President shall be considered as having been ratified by the Chamber provided, before the day set for the election, 50 deputies, whose names shall be inserted at the end of the official record *in extenso*, shall not have made objection thereto in writing to the President of the Chamber. In case such objection is made, the Chamber shall proceed to a vote by general ticket. The same procedure shall be used to fill vacancies as they occur.

13. No deputy may belong simultaneously to more than two of the regular standing committees enumerated in article 11.

14. The regular standing committees provided for in article 11 shall elect, in conformance with the rules laid down by article 8, a president, four vice-presidents and six secretaries. Unless the Chamber decides differently, these committees shall

take under their consideration all government or private member bills within their competence. Within the month following reference of such bills, each committee shall designate for each bill a provisional reporter, who shall be charged with studying the subject-matter and preparing for its examination by the committee. The names of such reporters shall be published in the *Journal Officiel*.

15. In addition to its regular standing committees, the Chamber may at any time set up other permanent or special committees, either by following the procedure outlined in article 12 or by a general ticket election of the whole Chamber in conformance with the rules laid down in article 17 below.

16. Each newly elected committee shall be convened without delay by the President of the Chamber.

Functions of Standing Committees. (*Réglement*, 4 Feb., 1915, chap. VI, as later amended.)

26. The Chamber shall devote at least one day a week to the work of its committees.

27. Any and all exhibits and documents relative to government and private member bills may be referred to these committees by the presiding officer. Members of the Chamber may take note of the exhibits and documents transmitted to committees. This notation should take place without removing the materials from committee rooms or interfering with the work of committees. These documents and verbatim records of bureaux and committees shall be deposited in the archives of the Chamber after a vote has been taken on the bills to which they refer.

28. The author of a private member bill has the right to attend in an advisory capacity the sittings of the committee charged with the examination of his bill and to participate in the discussion. He should withdraw before the vote is taken. In case there are several authors of the same bill, they should designate one of their number to represent them before the committee.

29. Every government or private member bill referred to a committee should be reported back within six months from the

day of reference; failing this, the author has the right to demand directly that the bill be inserted on the agenda of the Chamber. . . .

32. Every committee responsible for the consideration of a government or private member bill affecting the receipts or expenditures of the State shall make a report on the bill as a whole, without, however, making any recommendation as to its financial provisions. If the conclusions are favorable to the bill, the committee shall be responsible for communicating them to the budget committee. Within ten days the latter shall give its opinion on the financial provisions. This opinion shall be supported by argument and appended to the principal report on the bill. If the budget committee fails to give its opinion within the foregoing period, or in case an urgent discussion is deemed necessary, the Chamber may decide whether the report shall be placed on its agenda without further delay. The opinion of the budget committee may be presented verbally during the course of the debate by any member of the committee designated for this purpose.

33. The report of a committee on a government or private member bill shall be presented during a public sitting. It may be read immediately if the Chamber so determines. The Chamber may also decide to have these reports printed at the end of the official record of the sitting. During the interval between sessions or between sittings, committee reports may, in case of urgent necessity, be immediately printed and distributed, provided a written request to this effect is submitted to the President of the Chamber by the president and reporter of the committee. In such case, the reports shall be appended to the procès-verbal of the last previous sitting. Unless the Chamber decides contrariwise, because of exceptional circumstances, the discussion of a report may not commence until three days after its distribution, save for reports on the budget, which may not be discussed until at least eight days after their distribution.

34. When a report is submitted to the Chamber by a committee, any deputy may call for further details or formulate his objections to the conclusions of the report by a written memorandum which shall be transmitted to the President of the

Chamber and inserted at the end of the official record *in extenso*. The committee may reply either by a supplementary report or by a memorandum transmitted to the presiding officer and inserted at the end of the official record *in extenso*. Each deputy has the right to send directly to a committee his observations in writing relative to bills under consideration.

35. At least twice a year a table showing the progress of the work of each standing committee shall be prepared, including the names of the reporters designated for each item thereon. This table shall be inserted in the *Journal Officiel* after its distribution to the Chamber. . . .

19. PARLIAMENTARY LEGISLATIVE PROCEDURE

[With a view to understanding French parliamentary procedure relative to the introduction, discussion, and voting of legislative proposals, the following excerpts from the rules of the Chamber of Deputies are worthy of careful study.]

Introduction of Bills. (*Règlement*, 4 Feb., 1915, chap. V, as later amended. Translation by the author.)

20. Government bills shall be laid by one of the ministers on the desk of the Chamber, after the first reading, if such takes place.

21. These bills shall be printed with an explanation of the reasons for their sponsorship and then be distributed. Unless the Chamber specifically indicates otherwise, they shall be referred to the appropriate standing committee.

22. When, by virtue of article 7 of the organic law of 16 July, 1875, the President of the Republic requests reconsideration by the Chamber, his message in support thereof shall be printed and distributed. It shall be referred, except when determined otherwise by the Chamber, to the appropriate standing committee, after the report of which the reconsideration may be proceeded with.

23. Every private member bill should be drafted in writing, divided into articles, and preceded by an exposition of the argu-

ments for the bill. It must be transmitted to the presiding officer who, after having informed the Chamber of the bill, shall refer it, unless the Chamber decides otherwise, to the standing committee to which its subject-matter belongs. . . .

24. If the Government or the sponsor of a private member bill requests that it be discussed immediately, the committee in charge of the bill should, either as soon as the bill is referred to it, or within not more than three days after the distribution of the bill, present a summary report that it be considered immediately or that it be laid on the table. If the committee does not present its summary report within the prescribed period, immediate discussion may not be requested. Debate on a request for immediate discussion, either after the summary report of the committee or by virtue of the preceding paragraph, may not refer to the substance of the bill. The sponsor of a private member bill, the reporter or the chairman of the committee, and one member of the Government alone shall have the right to be heard at this stage.

25. Private member bills adopted by the Senate shall be referred, automatically and without delay, to appropriate committees.

Consideration of Bills. (*Réglement*, 4 Feb., 1915, chap. X, as later amended.)

82. Government and private member bills shall in principle be debated only one time. Nevertheless, before a vote on the totality of a bill, the Chamber may, upon the request of any member, decide to proceed with a second discussion. In this case the text voted after the first reading shall be returned to committee, which should present a new report thereon.

83. Except in the case indicated by article 24, no request for the insertion of a government or private member bill on the agenda may be made until after the committee report is transmitted and distributed.

84. Preliminary discussion shall bear first of all upon the totality of a bill. When this general discussion is concluded, the President shall consult the Chamber as to whether it desires to proceed with a discussion article by article. If the Chamber

decides that it does not desire to have such a discussion, the President shall declare that the bill has not been adopted. In the contrary case, the discussion shall continue and deal successively with each article and such amendments as may be appended to the bill. After all the articles have been voted upon, a vote on the whole bill shall be taken.

85. Amendments originating with one or several members shall indicate the article of the bill or the chapter of the budget to which they refer. These amendments, drafted in writing and briefly annotated, shall be placed in the hands of the President. They shall then be printed, distributed, and transmitted to the proper committee.

86. All amendments relating to the same bill and presented before the committee report is received, shall be published as an annex to this report, along with the supporting arguments of their authors. The committee should indicate in its report what conclusions it has reached, with the reasons therefor. Amendments presented after the report is received but before its insertion on the agenda, should be made the subject of a supplementary report. Every author of an amendment has the right to be heard by the committee responsible for its examination. The Chamber shall not deliberate on any amendment, if, after having been regularly presented, it is not supported during the preliminary discussion.

87. Every amendment or additional article presented during the course of the discussion shall be referred without question to a committee for examination if such a request is made by a minister, the president or the reporter of the committee. In this event, the discussion shall be suspended only if the text so referred bears upon subsequent articles of the bill. If reference to a committee is not made, the amendment shall be briefly annotated and the Chamber consulted as to whether it shall be considered. If the decision is in favor of consideration, the amendment shall then be referred to the committee for examination. . . .

91. After a law is voted, the Chamber, upon the proposal of any deputy, shall be consulted by its presiding officer on the question whether the law should be immediately promulgated,

that is, within three days, according to the provisions of article 7 of the constitutional law of 16 July, 1875.

92. Bills rejected by the Chamber may not be re-introduced until three months have elapsed.

93. When the Chamber has before it a bill by which the Government, in conformance with article 8 of the law of 16 July, 1875, requests the approval of a treaty concluded with a foreign power, separate votes on the articles of the treaty may not be taken nor may any amendment to its text be presented. If, in the course of the discussion, there is opposition to any of the clauses of the treaty, it must be made in the form of a request that the treaty be returned to committee. If, after debate, the Chamber decides to consider the proposal, it may order such action. The committee shall make a general report, which should be printed and distributed, upon the various contested clauses referred to it. The committee shall recommend the adoption, rejection, or adjournment of the bill. Adjournment should be formulated in these terms: "The Chamber, calling anew the attention of the Government to such and such clauses of the treaty (relating in full the clauses upon which the adjournment is based), defers authorization to ratify."

20. FRENCH BUDGET MAKING

[Nowhere is the weak position of the Executive in the French parliamentary régime more fully revealed than in budgetary procedure. For many years efforts have been made to reduce the freedom of Parliament, through its financial committees and individual members, to throw the Government's budget proposals out of gear. While some minor restrictions on parliamentary initiative have been adopted, notably by the Finance Act of 1934 (reproduced below), the French budgetary system is still far from approaching British practice, where the Cabinet may effectively control all increases in expenditure or taxation proposed by the House of Commons.

In the first two passages presented below, M. Allix, distin-

guished Dean of the Law Faculty of the University of Paris, vigorously criticizes French budgetary habits. The third quotation contains the text of the 1934 reform, which was adopted at the request of the Doumergue Government with a view to stopping Parliament from voting additional appropriations without taxes to cover them.]

Preparation of the Budget. (E. Allix, *Traité Élémentaire de Science des Finances et de Législation Financière Française*, 6th ed., Paris, 1931, pp. 4-8. Translated and reprinted by permission of Rousseau et Cie.)

In France each minister is responsible for compiling an expenditure budget for his department and for centralizing to this end the desired requests.

These requests emanate, in the first place, from field agents of the administration. They alone can learn from experience, on the spot, the requirements of the service to which they belong, within the limits of their jurisdiction. From day to day they make these requirements known to their superiors by official correspondence, and their requests are sent through hierarchical channels to the headquarters of their service, which is ordinarily a "direction" of a ministry.

Once received, these requests are examined. Those which are urgent in character and of incontestable utility are set aside in order that they may be acted upon immediately,—if necessary, by securing additional appropriations for the current fiscal year from the Houses of Parliament. Those requests that can wait are studied and modified, if need be, with a view to being incorporated into the next budget bill.

To the requests from field agents, who always have in mind the particular needs of a given administrative district, the central office adds its own proposals for appropriations affecting the entire service under its direction, and transmits the total amounts to the minister to whom it is responsible. Aided by members of his staff secretariat, the latter examines the proposals transmitted by the various divisions of his ministry, compiles them, alters them if he deems it advisable, and adds in his

turn more general proposals concerning his entire department. The preparation of the expenditure budget of the different ministers, therefore, has to surmount three hurdles: field agents, central offices in Paris, and the minister, assisted by a staff service especially charged with aiding him in preparing the budget: his *cabinet* or *bureau central*, or *secrétariat général*, etc., depending upon what ministry it happens to be.

In addition, the controller of appropriations, an official appointed by the Minister of Finance, formulates in each ministry his opinion on the draft budget.

Once these departmental budgets are completed, they are transmitted, along with the opinion of the controllers of appropriations, to the Minister of Finance by each minister. . .

Functions of the Minister of Finance. In budgetary matters, the Minister of Finance has three functions appropriate to his office:

(1) He centralizes the expenditure budgets of the various ministries, adding to them the expenditure budget of the Ministry of Finance, which he himself prepares by the procedure outlined above.

(2) He alone is responsible for drawing up a general revenue budget. It is in fact a fundamental rule, almost without exception in our financial organization, that all ministries are "spending" departments save the Ministry of Finance, which is essentially a "receiving" department. . . .

(3) The Minister of Finance alone is responsible for drafting the supporting arguments for the general budget, that is to say, the foreword, or preface, preceding the body of the expenditure and of the revenue budget, which he himself has to present to the Houses of Parliament, as well as for preparing the text of the finance act.

Responsible on the one hand for centralizing the expenditure budgets of his colleagues, adding to them his own, and on the other hand of formulating the general revenue budget, he has the task of . . . balancing the budget by seeking possible economies or supplementary revenues. . . .

It would appear that, invested with such a heavy responsibility, the Minister of Finance should, in budgetary matters,

have authority over all his colleagues. It would seem necessary that he have the right to reduce such requests as appear to him exaggerated or menacing for the equilibrium of the budget, which would amount to possessing the right to control, to revise, and to modify the proposals for expenditures (or, what is the same thing, requests for credits) of his colleagues, even to reject them in part, so as to keep appropriations within probable receipts.

In fact, this right does not exist in France for the Minister of Finance. He has no legal power to modify the proposals of his colleagues. . . . The only authority that he may occasionally exercise over them is derived from his personal ascendancy, from his capacity, from that "ferocity," which, according to M. Thiers, is the first quality of a good finance minister, and from the spontaneous assent of his colleagues.

It is by virtue of this tacit assent, and the accord that prevails among the members of the Government, that the Minister of Finance now and then invites his colleagues to modify their expenditure proposals so as to keep within the estimated receipts. He employs not injunctions, but invitations, which the other ministers may or may not accept at their will. If they do not follow his suggestions, the Council of Ministers has to settle the question. Thus it was that the Council of Ministers, for example, set the appropriation figures in the budget bill of 1931-32 at a level some 4,200,000,000 francs below the original requests from the various ministers.

It should be noted, however, that although no law accords to the Minister of Finance superior authority to determine the amounts to be inserted in the budget bill, he nevertheless possesses special power to effect reforms designed to produce economies in the operation of all the public services. To this end he enjoys, by virtue of the law of 27 June, 1925, more extensive powers of inquiry than the other ministers, and, for this purpose, several control agencies are placed at his disposition. It is he alone who may prepare and countersign the decrees and bills drawn up as a result of these inquiries.

Similarly, concerning not the preparation, but the execution of the budget, the Minister of Finance, by means of the service of

control over funds appropriated, may insure the regularity of his colleagues' budgetary operations.

The Budget in Parliament (ibid., pp. 16-23).

Prepared by the ministers, the budget bill . . . is submitted, in the form in which it emerged from ministerial deliberations, to the Chamber of Deputies. The latter body refers it to the Committee on Finance [known before 1920 as the Committee on the Budget], which is composed of deputies responsible for studying the details of the budget so as to facilitate the general discussion of the bill.

The Committee on Finance, however, does not ordinarily confine itself to this preliminary examination designed to clarify the legislative assembly on controversial matters. Usually the Committee assumes the right to modify, if not drastically to reconstruct, the bill transmitted to it, substituting its own figures for those of the Government, increasing those credits that seem to it to be insufficient, and above all reducing those which it judges excessive. The Committee has even been known to return the entire budget bill to the Minister of Finance in order that he might submit another budget. The budget bill of 1926 was completely torn to pieces and then reconstructed by the Committee on Finance of the Chamber. The Senate's Committee, when its turn came, remade the budget along still different lines.

The result is that the integral financial plan upon which the budget was originally based by the Executive may be shattered; all the precautions taken by the Minister of Finance to assure an equilibrium may be brought to naught by the decisions of the Committee, which, by so doing, encroaches in the most pernicious fashion upon the prerogatives of the Government. In actual fact, it is difficult to hold the latter responsible for financial policy when the Chamber makes such far reaching changes in it. Doubtless the activity of the Committee—in all fairness to it—is directed most of the time toward the realization of economies. But this activity is not always sufficiently enlightened. Often the Committee has thrown out credits indispensable to the operation of services which it has been necessary

to re-establish during the course of the execution of the budget, in the form of additional credits,—a procedure which produces serious inconveniences. It is true that the ministers sometimes take into account this state of mind by deliberately padding their initial requests, only to surrender them later to the Committee's reductions.

In sum, it may be said, with respect to the preparatory phase of the French budget, that it is in the first place prepared by the Executive and in the second place more or less remodeled and transformed by the Committee on Finance of the Chamber. . . .

In the third place, the bill prepared by the Government and modified by the Committee may be still more altered, in the course of parliamentary discussion, by the initiative of members who introduce amendments.

Until very recently, the right of amendment was governed, in budgetary matters, by the same rules as any other kind of legislation. . . .

In the Constitution of 1875, the right of amendment by the two Houses is recognized without restriction for all kinds of bills. During the discussion of the budget, any member of Parliament may, therefore, present amendments designed to insert in the budget new provisions, or to eliminate or modify existing provisions. . . .

The injurious consequences of this practice are evident:

(1) Until recent years, the budget was twisted from its true objectives by the abuse of "riders". . . .

(2) A second defect of this exercise of parliamentary initiative is that it leads especially to considerable increases in expenditures along side reductions in revenues, the deputies inserting in the budget . . . appropriations for their own political advancement, such as increases in salaries, social welfare funds, always eliminating taxes unpopular with the taxpayer, without worrying over budgetary equilibrium, which the Minister of Finance is then obliged to contrive as best he can by modifying his revenue estimates. The deputies give way the more easily to these generosityes, for which the budget pays the cost, by an unconfessed hope that the Senate, this "judicial council of

the Chamber," will bar their route to the statute book. The latter body, however, in spite of its vigilance, is powerless to stop the rising flood of appropriations. . . .

Such budgetary excesses committed by Parliament constitute one of the most deplorable vices of the French system. They have been the object of heated recrimination and various means have been employed to remedy them by moving toward English practice. . . .

The Chamber of Deputies adopted on 16 March, 1910, two proposals, one by M. Rouvier, the other by M. Barthélemy, designed to modify its procedure; as subsequently amended, these proposals are as follows:

(a) Article 101 of the present *Réglement*: "With respect to the finance act, direct tax acts, and appropriation acts, no amendment or additional article effecting an increase in expenditure or a reduction in revenue may be presented later than ten days after the distribution of the report in which the chapter concerned is dealt with" (that is, the report prepared by the Committee on Finance. . . .

(b) Article 102: "No proposal for increases in salaries, allowances or pensions, for the creation of new services, positions, or pensions, or their expansion beyond the limits set by existing law, may be made in the form of an amendment or an additional article to the finance act." . . .

These changes were reinforced by a new article 86, added to its rules by the Chamber on 27 May, 1920, which covers all amendments whose subject-matter did not come within the provisions of the earlier articles. . . .

These reforms have not resulted in putting an end to the abuses referred to above. They have merely alternated the most vicious aspects of old practices. Nothing compels the Chamber to observe its own regulations. Upon occasion it has thrust them aside in obedience to the sentiment expressed by

one of its members: "We always have rules, but we are not obliged to apply them."

There remained the possibility of including in the budget act matters extraneous to finance.

In order to eliminate this possibility, there was incorporated into the Finance Act of 30 July, 1913, an article 105, which by its legislative character, bound the two Houses as well as the Government: "The Finance Act may contain only provisions directly affecting revenues or expenditures, to the exclusion of all other questions."

Thus the members of Parliament may not suggest the insertion in the budget bill of any proposal modifying organic law, as, for example, the rules of civil or penal law, or of administrative organization. It is the duty of the legislative assembly itself to apply this article 105 by rejecting all such irregular proposals. Unfortunately, this dike against the flood of budgetary "riders" has not been effective, for the rule established by article 105 of the Law of 1913 has been completely lost from view in recent financial legislation.

Recent Restrictions on Parliamentary Budget Prerogatives (Art. 73, Finance Act of 28 Feb., 1934).

No legislative proposal susceptible of directly or indirectly increasing public expenditures or of diminishing treasury receipts may be introduced unless it comes within the context of the government budget bill or of other government bills authorizing or annulling appropriations.

Except when budgetary estimates indicate an aggregate surplus greater than a proposed appropriation or reduction in revenue, plus other appropriations voted after the opening of the fiscal year, every bill or amendment of this nature must provide, so as to offset the new expenditure or the reduced income, equivalent resources, aside from the proceeds of borrowing, which are not already authorized in the budget act.

When it is a question of expenditures which recur annually, ways and means of covering such expenditures automatically, and without subsequent action by Parliament, should be assured.

21. LEGISLATIVE PLANNING:

THE NATIONAL ECONOMIC COUNCIL

[One of the most significant developments in the organization of the modern democratic State since the World War has been the creation of advisory bodies based on the principle of *functional* representation. Inspired by a plan prepared by the French General Confederation of Labor in 1920, the Herriot Government set up by decree five years later a National Economic Council to study economic and social problems and give technical advice to Cabinet and Parliament on proposals for legislation in this domain. This new agency consisted of forty-seven official members (plus ninety-four alternates), representing national organizations of labor, capital, and consumers. During the first ten years of its existence the N.E.C. made comprehensive studies of more than thirty aspects of the national economy (transportation, housing, unemployment, forestry, industrial organization, foreign trade, etc.). Several of the Council's reports have forced the factual foundation for legislative reforms sponsored by the Government. At first Parliament was inclined to view the new institution with suspicion. Gradually, however, this feeling of jealousy disappeared and the N.E.C. came to be accepted as a solid, useful agency to assist in the planning of national policy.]

Various attempts to endow the N.E.C. with a definite *statutory* basis culminated in March, 1936, in the passage of such a law, which, incidentally, both enlarges and modifies in detail the functional character of its membership. The essential provisions of this act appear below.]

Excerpts from the Law Reorganizing the National Economic Council. (Journal Officiel, 21 March, 1936.)

Article 1. The National Economic Council, instituted by the law of 29 April, 1926, is charged with the study of problems

affecting the national economy, with giving opinions on government and private member bills when so requested, with examining methods by which such bills may best be administered, and with proposing measures for the control and organization of production and exchange.

The Council may also, whenever requested by the interested parties, arbitrate industrial disputes.

Its President shall be the President of the Council of Ministers, who may designate another minister or under-secretary of State to act in his behalf.

Professional Sections

Article 2. The National Economic Council is divided into twenty professional sections. Their function is to study questions of interest to the occupational groups which they represent and to formulate proposals with a view to a solution of such problems. These proposals shall have as their object the improvement of apprenticeship, the organization of production, exchange, and economic services, the development of higher ethical standards in business competition, the organization and remuneration of labor, and the settlement of controversies affecting occupational groups.

Such proposals shall be submitted to the permanent commission of the Council, which may, if need be, refer them to the general assembly. They may also be directly transmitted by the secretary-general to professional associations or their members.

Article 3. Each professional section shall be composed of an equal number of representatives of employers and of intellectual and manual workers. Nevertheless, the representation of agricultural associations need not follow the foregoing rule, provided an adequate representation of the different agricultural interests is assured within these associations.

Article 4. The professional sections shall be established by an executive decree prepared after consultation with the National Economic Council and taking into account the number of employed persons and the importance of each occupation in the national economy. This decree shall indicate the occupations

which each section should represent and the number of its members. The total number of the latter may not exceed two hundred.

Article 5. Within three months of the promulgation of the present law, and subsequently, every three years, there shall be a census of occupational organizations and their allocation among the occupational sections. . . .

General Assembly

Article 6. The general assembly of the National Economic Council shall consist of:

(1) Twenty delegates of the professional sections representing agriculture; twenty delegates of employers belonging to the other sections; twenty delegates of intellectual and manual workers in these sections;

(2) Twelve representatives of national economic organizations, one-third to be chosen by employer groups, one-third by labor groups, and one-third by agricultural groups;

(3) Twenty representatives of chambers of agriculture; twenty delegates of labor unions distributed so as to represent each of twenty economic regions as determined by decree on the advice of the National Economic Council and the chambers of commerce, chambers of agriculture, and workers' organizations in each region;

(4) Four intellectual workers delegated by the Confederation of Intellectual Workers;

(5) Four delegates elected by artisan groups;

(6) Four delegates of those over-seas territories controlled by the Ministry of Foreign Affairs, appointed by the Minister, and eight delegates of those territories administered by the Minister of Colonies, appointed by the Minister upon recommendation by the economic section of the Superior Colonial Council;

(7) Twelve delegates of organizations of consumers, especially co-operative societies, of associations of mayors, of large families, of tourists and of mutual aid;

(8) One delegate of associations of urban real estate owners, one delegate of bond-holders' associations, one delegate of producers' co-operatives, and one delegate of agricultural co-operatives;

(9) Five economic experts to be chosen by the other members of the general assembly of the Council. . . .

Article 8. The National Economic Council may consider, either on the request of the Government, one of the Houses of Parliament, a parliamentary committee, or on its own initiative, any government or private member bill which is of interest to the national economy, as well as undertake the study of any economic problem.

All Government and private member bills of this character, must, as soon as they are printed, be presented by the Government to the National Economic Council.

The National Economic Council shall give an opinion on all proposed ordinances of public administration which have economic implications.

Its opinions and reports shall always be submitted to the Government and to the two Chambers, as well as to those parliamentary committees which have consulted the Council.

Its recommendations shall always be addressed to the President of the Council of Ministers who shall, within one month, communicate whatever action may have been taken thereon, or request a re-examination of the question.

Article 9. Any parliamentary committee which has under consideration a Government or private member bill may request the President of the National Economic Council or his delegate to appear before the committee for questioning.

Article 10. The National Economic Council shall designate a permanent commission of its members for the purpose of assembling requests and resolutions submitted by various economic groups, distributing and co-ordinating the work of the professional sections, maintaining continuous relations with the Government and Parliament, preparing an agenda for the sessions of the general assembly, proceeding with the investigation of

urgent matters, and deciding upon all questions which the assembly may have delegated to it with power to act.

General Provisions

Article 11. Ministers, under-secretaries of State, and commissioners designated by them may attend the meetings of the general assembly, permanent commission, and sections of the National Economic Council with the right to be heard whenever they so request.

Article 12. The secretary-general of the National Economic Council shall be appointed by decree, upon recommendation by the President of the Council, after consultation with the permanent commission.

Article 13. Internal regulations for the operation of the National Economic Council shall be formulated by its general assembly upon the recommendation of its permanent commission. These regulations shall determine, in particular, the composition and functions of the *bureau* of the Council.

An ordinance of public administration shall set forth the detailed procedures by which this law shall be applied, especially the organization of the general secretariat and its services. . . .

22. INTEREST GROUPS IN PARLIAMENT

[The French Parliament is characterized not only by a multiplicity of more or less organized political groups, but also by the existence of various "blocs" which are formed to look after the claims of special interest groups. Such blocs are constantly appearing and disappearing in *ad hoc* fashion. At best they are but loosely organized. Their activity, however, frequently has a decided effect upon legislation, negatively or positively. In Paris, as in Washington, "pressure politics" may run counter to the national interest. In the passage quoted below, M. Tardieu shows how numerous and varied in character these interest blocs are.]

Deputies, Committees, and Blocs (A. Tardieu, *France in Danger*, London, 1935, pp. 122-126.)

As soon as a citizen presents himself as a candidate before a deputation he is overwhelmed on all sides by a series of specialized interests, both local, political, economic and personal, which inevitably converts him into a multiplier of abuses. The many pledges which he has to give are confined to narrow, local, individual interests; they are, in fact, in inverse ratio to his legislative mandate, which is national. And the candidate is barely elected when he is swamped on all sides by demands that are the more insistent, the more trivial their importance is. . . .

A further restriction is placed on his freedom owing to his political loyalties. He is the delegate of a party whose local expression is given through the medium of committees. Now these committees are the recruiting-sergeants of electoral pledges; they are of very long standing, especially those of the Left Wing. They were cradled in the academical societies of the eighteenth century; the convention was their first playground; the secret societies of the nineteenth century and freemasonry were their tutors. Their activities reacted from 1871 onwards on such men as Thiers, Gambetta, Challemeil-Lacour—even on Jules Ferry, who did not love them, and even on Clemenceau, who loathed them. They were destined to fill the regiments of that radical army about which Briand boasted to Barrès.

Their effective forces are limited—let us say about 200,000 “*Comitards*”

For the space of four years the committees arrogate to themselves sovereign authority which they exercise on the deputies. . . .

If he is from the South, the deputy will have to swear by the gospel of wine; if he is from the North, he will have to swear by the gospel of beet sugar. . . .

That is how 275 deputies are banded together to defend the motor-car industry, 230 to look after the interests of the wine-growers, 200 to look after those of the peasants, 175 to cham-

pion aeronautics, while 160 are interested in the cattle-breeders, 100 in forestry, and 55 others devote themselves to protecting French materials.

There are 370 members assigned for the defense of road-makers, 320 to look after the artisans, 310 to see that tubercular patients are looked after, 220 to protect the rights of commercial travellers, 200 for ex-service men who have the right to a combatant's card, 200 to champion old combatants, 180 to protect the representatives of rural democracy, and 185 to look after the welfare of old workmen not in the receipt of a pension. The group for the protection of itinerant hawkers totals 165 members. There are also 165 to defend those who have received the *medaille de travail*, 150 to see to the rights of private distillers and 145 to see to those of life annuitants. Beetroot growers are championed by 105 deputies, town tenants by 80 deputies, and holders of maritime shares by 55 deputies.

When the deputy has "defended" so many legitimate and specialized interests, how much time and freedom will he have for the general interests of France, one and indivisible?

A group of 240 members undertakes to defend the State workmen; 220 deputies look after the firemen, and 210 look after the pensioners. The staff of the P.T.T. is championed by 195 deputies, the office-keepers by 185 deputies, the excisement by 90 deputies, and the headquarters departmental staff of the various ministers by 80 deputies. There is a similar number told off to look after the interests of the police of France and of the colonies.

23. THE FINAL LEGISLATIVE PRODUCT

[French statutes are noted for their clarity and brevity. The clarity is due in part to that quality of precision which marks the French language, for centuries the "official" medium of diplomacy in Europe; in part to the logical habits of thought which typify Frenchmen. The brevity comes from the fact that

legislative enactments are ordinarily confined to a statement of general principles. The details required for their application are worked out by administrative agencies in the form of decrees or ordinances.

This practice is illustrated by the provisions of the statute limiting the weekly hours of work in French industry, which is reproduced below. This law was one of the most important pieces of labor legislation adopted by Parliament during the first weeks of the Popular Front Government in 1936.]

Law Establishing the Forty Hour Week (Journal Officiel, 26 June, 1936).

The Senate and Chamber of Deputies have passed, and
The President of the Republic hereby promulgates the following law:

Article 1. Chapter II (Duration of Work) of title I of Book II of the Labor Code is modified as follows:

Article 6. In all industrial, commercial, artisan, and co-operative enterprises or their subsidiaries, of whatever nature, public or private, secular or religious, even if they have to do with professional instruction or charity, including public hospitals and insane asylums, the actual duration of work for laborers and employees of both sexes and all ages shall not exceed forty hours per week.

Article 7. Decrees formulated by the Council of Ministers, after consultation with the appropriate professional sections of the National Economic Council, shall determine for each occupation, industry, or profession, for the entire country or for a single region, the means by which the preceding article shall be applied.

These decrees may be issued on the Government's own initiative or at the request of one or more employers' or employees'

organizations concerned. In either case the interested employers' and employees' organizations should be consulted; the latter should give an opinion thereon within a period of one month. Such decrees may be revised by the same procedures.

These decrees should be related to such agreements, if any, as may already have been concluded by employers' and employees' organizations.

Article 8. The period of time which any worker may be required to spend inside a subterranean mine shall not exceed 38 hours and 40 minutes per week.

Article 9. A decree formulated by the Council of Ministers, under the same conditions as are stipulated in Article 7, will determine the means by which the preceding article shall be applied, in particular, the basis for calculating the period of time spent inside a mine.

Article 10. The application of the provisions of articles 6 to 9 shall in no wise affect such practices or collective labor contracts as may provide for a shorter work period per week.

Article 2. No lowering of the standard of living for workers shall result from the application of the present law, which may not be a determining factor in the reduction of remuneration for labor (wages and supplementary allowances).

Article 3. Articles 6 to 13 which constitute Chapter II (Duration of Work) of title I of Book II of the Labor Code are hereby abrogated.

Nevertheless, the decrees of public administration issued by virtue of articles 7 and 8 shall remain valid until the decrees issued by virtue of articles 7 and 8, as amended by article 1 of the present law, go into effect.

Likewise, articles 9 to 13 shall remain applicable until the decree issued by virtue of article 9, as amended by article 1 of the present law, goes into effect.

Article 4. The present law is applicable to Algeria. The conditions of its application in the colonies and protectorates shall be stipulated by decree.

The present law, deliberated and adopted by the Senate and the Chamber of Deputies, shall be executed as a State law.

Done at Paris, 21 June 1936.

Albert Lebrun.

By the President of the Republic:
The President of the Council,
Léon Blum.

The Minister of Labor,
Jean Lebas.

The Minister of National Economy,
Charles Spinasse.

The Minister of Public Works,
Albert Bedouce.

The Keeper of the Seals, Minister of Justice,
Marc Rucart.

V

THE ADMINISTRATIVE SYSTEM

24. CENTRAL ADMINISTRATIVE ORGANIZATION

[Still bearing the imprint of Napoleon's far-reaching reforms, the French administrative system is marked by a high degree of centralization and symmetry, a close adherence to the principle of hierarchical control, inadequate horizontal integration, and a permanent bureaucracy which has survived a dozen changes of régime. The following article tells how this pattern of organization, with its elements of weakness as well as of strength, has evolved. (J. Boucheron, "Les Ministères—leur Histoire, leur Organisation actuelle," *Politica*, 7 Rue Marbeuf, Paris, May, 1934. Translated and reprinted by permission of the publisher.)]

In France all the public services and agencies responsible for administrative action are divided and grouped into ministerial departments. Two features mark the organization of these departments:

(1) The first is the existence of a central administration which is placed at the head of the services. It is to this central administration that, in current language, the term "ministry" applies. A ministerial department embraces at once a group of services which cover the territorial extent of the country—the "exterior" services of the ministry—and the bureaux which form its central administration. This division, compared by Dean Hauriou to the distinction between combatants and non-combatants, corresponds to reality. In effect, every public service connotes on the one hand the establishment of technical instrumentalities, and on the other hand such administration action as is necessary to assure their functioning.

Ministerial bureaus perform a triple function. First, they have the function of direction. The ministry itself is the point of departure for administrative decisions. In this regard, ministers have to collaborate with the Executive simultaneously in the preparation of presidential decrees and in the preparation of legislative bills. In addition, the ministers play a rôle of co-ordination and centralization. Finally, their essential mission in a régime of administrative decentralization and deconcentration is the exercise of a control over the operation of services out in the field. These functions of direction, co-ordination, and control are of a strictly administrative character.

(2) The second feature characterizing the organization of ministerial departments is that they are placed under the direction of a minister assisted by a cabinet. The relations between the minister and the administrative bureaux may be conceived in two ways. The minister may be considered as the chief of the services and, in particular, of the central administration of which he juridically assumes the direction. This conception rests upon the hierarchical principle and dominates French organization. It has been severely criticized by M. Henri Chardon. In his studies M. Chardon has contended that the minister should confine himself to controlling the administration by leaving to high civil servants [*fonctionnaires*] the responsibility for their acts; the minister himself, in a parliamentary régime, would assume political responsibility before Parliament for his attributions of control. . . .

Two facts dominate the history of the French ministerial departments since the *Ancien Régime*: (1) the increase in their number, and (2) the specialization of their functions.

(1) As regards the expansion of their number, it is necessary to distinguish *the extension of services* which parallel the development of the rôle of administration in economic and social life, and the increase in the number of *ministerial personages*, arising principally from political considerations.

For political reasons, ministers without portfolio may exist. An increase in the number of ministers charged with the direction of a department is generally motivated by the necessity of constituting a cabinet supported by a large majority. Con-

versely, a reduction in the number of ministers may result from the necessity of securing cohesion in the Executive (Briand ministry, 1916-1917). In these hypotheses, the number of *services* does not change; they are merely divided or regrouped under the direction of one minister.

The creation of new ministries for reasons of political opportunism lay behind the Law of 20 June, 1920 (art. 8), which stipulates that only a statute may establish new ministries or transfer functions from one department to another, and that such changes may not be made until after the passage of such a law. In practice, this rule has been repeatedly circumvented. . . .

Historically, new ministries have originated not only for political reasons. The fundamental reason for their creation is the development of services so diverse and so numerous that their direction can not be handled by a single man. Such establishments have been caused either by the development of the rôle of administration in the national life (Public Works, Postoffice), or by exceptional circumstances (Munitions, Pensions, Liberated Regions). Inversely, ministries have disappeared either because their mission no longer belonged to the public service or because the task they had assumed was completed (Ministry of Cults, Ministry of Liberated Regions).

(2) The grouping of services has evolved toward a more and more precise specialization of functions in the different departments.

Two different formulae for the grouping of supervisory services and consequently for the functions of bureaus are conceivable. The first and oldest is the geographical system which obtained under the *Ancien Régime* and which characterizes a relatively undeveloped stage in the administrative activity of the State. This system consists in conferring upon the same administrative organization all the administrative, economic, and financial services of a given region so as to permit unity of action. The other formula is based upon the division of labor resulting from the specialization of ministerial functions, one ministry handling public works, another public instruction, a third the postal service, etc. . . .

On the eve of the war of 1914 twelve ministries were in existence. In addition, two under-secretariats of State had won a continuous place in the Cabinet: the Posts and the Fine Arts.

In the evolution of ministerial specialization, the war marked a new stage. In order to meet new needs, the following ministerial departments were set up during the war: Munitions and Food Supply; after the war, the Ministries of Industrial Reconstruction, Liberated Regions, and Pensions were added.

Since 1920 two opposing tendencies have been in evidence, one toward a concentration, the other toward a more minute specialization of ministerial organization. The tendency toward concentration led M. Poincaré, in 1924, to reduce to 13 the number of ministries, and M. Tardieu, in February, 1932, to group in a single Department of National Defense the Ministries of War, Navy, and Air. By and large, however, specialization has prevailed. In 1925, M. Painlevé, because of the financial crisis, divided the Treasury into two departments: Finance and Budget. This division was renewed in 1930 and maintained in subsequent cabinets [until 1933]. In 1929 the Postoffice and the Merchant Marine were elevated to the status of Ministries. In 1930, a Ministry of Public Health revived the former Ministry of Hygiene (of 1920). The creation of a Ministry of Air, after a tragic accident, revealed a desire to co-ordinate all the services having to do with aviation. Its organization, although today effectively established, gave rise at first to serious difficulties.

At the present time the number of ministries fluctuates around 17 or 18. The tendency toward greater specialization still prevails. . . .

Despite an increasing division of administrative labor, there still exist departments whose competence is geographic; on the other hand, specialized ministries are far from having exclusive jurisdiction over matters within their competence.

(1) Geography determines the competence of the Ministries of the Interior, of Foreign Affairs, and of Colonies. On the other hand, the Alsace-Lorraine Service, attached to the Presidency of the Council, is a recent example of a service with geographic boundaries. . . .

(2) In departments with a specialized competence, functional divisions are more or less narrow.

The Ministry of Finance is an example of a specialized department by virtue of the principles of fiscal technique (rule of budgetary universality, etc.). It has, broadly speaking, an exclusive competence over the collection of taxes; at the same time, it makes all money payments and is responsible for all Treasury operations. . . .

The Ministries of Public Works, of National Education, of Labor, and of Public Health represent an imperfect specialization. The Ministry of National Education does not include all the services of instruction. That of Public Works lacks exclusive control over its domain: highways belong to the Interior, fortifications to War and the Navy, hydraulics to Agriculture. . . .

The increase in the number of ministerial departments gives rise not only to the problem of how to group services rationally, but also to the problem of how to co-ordinate their activity. Specialization runs the risk of delaying, if not of bogging down, the handling of business.

As correctives to specialization, procedures or agencies of co-ordination have been created, though without the power of assignment or decision. In France the organization of the cabinet of ministers rests, in effect, upon the juridical equality of each minister, in such a manner that efforts at co-ordination may eventuate only in proposals which must be submitted for the approval of all ministers concerned.

The only interministerial organ of a co-ordinating character, with powers of assignment and decision, is the Council of Ministers; but it [until recently] was devoid of any continuing administrative organization; furthermore, its rôle is primarily political. . . .

Finally, there exist certain permanent [advisory] councils like the Council of State (administrative sections and general assembly), and the Superior Council of National Defense, which aid in co-ordination, though they, too, lack the power of assignment or decision.

Incessant changes and a lack of co-ordination in the administrative services have led to the elaboration of plans of reform

which, on the one side, envisage a re-grouping of departments, notably by the creation of a Ministry of National Economy, and on the other side, advocate the creation of a Presidency of the Council [cabinet secretariat]. . . . [The Blum Government of 1936 effected the first of these two reforms by creating a Ministry of National Economy; on a modest scale, the second has likewise been realized since 1934 (cf. p. *supra*.)]

The internal organization of a ministerial department is complex because the ministry centralizes under its direction and control, not only all the field services and ministerial bureaus in the strict sense, but also certain under-secretariats for which it is responsible and such quasi autonomous "offices" as are attached to the ministry. . . .

The minister is surrounded by a cabinet composed of private secretaries who, according to the expression of Paul Morand, form "a supple bridge connecting administration with policy."

The bureau constitutes the cell of the ministry. It is composed of a small staff: a chief, a deputy-chief, one or more chief clerks, and several junior clerks. The bureaux are grouped into "directions" (formerly called divisions) under the authority of a director, assisted in certain ministries by a deputy director.

From the functional standpoint, one may distinguish in every ministry a certain number of bureaux whose mission it is to look after the household of the ministry—a vitally important mission—such as the directions or bureaux of personnel, accountability, and internal office management.

Most of the other bureaux deal with functional or line business. In its allocation the same problems have to be faced inside a department as in the inter-relations of ministries. . . .

Bureau co-ordination is effected by the secretariat of the "direction," as well as by conferences of all the directors in a ministry.

Various councils and committees have been instituted to provide the minister with technical advice (Superior Council of National Defense, of Public Instruction, of Railways, etc.).

Officials for control and field inspection, whose function is sufficiently indicated by their titles, complete the organization of a ministerial department (Treasury Inspectorate, the Admin-

istrative Services of the Ministry of the Interior, the Army Control, etc.).

In France, administrative organization has a corporative aspect in the sense that it associates in the same task functionaries differing in age and experience (Council of State, Court of Accounts, University Faculties). So it is with the ministries.

On the other hand, the recruitment and management of personnel varies in the various departments. In certain ministries, the personnel of the field services form the reservoir from which headquarters staffs are drawn, as in the Ministry of Foreign Affairs; in other departments, these two categories of personnel form separate groups. Or, in the case of the Ministry of Colonies, a mixed system is employed.

Juridically, the minister is the supreme director of the services of his department. In reality, decisions are largely delegated to the administrative directors.

The operation of a ministry is based upon the principle of hierarchical control. Decisions are made by hierarchical rather than by the collegial system. A director exercises control over a chief clerk, and the central administration exercises control over the field establishments.

On the other hand, every administrative act involving an expenditure of money is subject not only to the hierarchical control which exists inside the department, but also to a fiscal control imposed by the Ministry of Finance.

25. ESTABLISHMENT OF A CABINET SECRETARIAT

[The expansion of state business during and after the World War gave rise to proposals for the creation of a permanent staff liaison agency for the Cabinet, or, speaking more accurately, for the Prime Minister. In embryo, such an agency was set up by administrative order in 1922. Three years later Premier Herriot obtained legislative authorization for a permanent secretariat; but in 1926 this was abolished by Poincaré on grounds of economy. Later, after the 1934 crisis, Doumergue proposed its re-establishment on a more expensive scale. In modified

form his proposal was incorporated by Flandin in the Finance Act passed in December of that year. This law also provided that certain technical and advisory services should be placed under the immediate direction of the President of the Council of Ministers.

Excerpts from the executive decree setting up the cabinet secretariat are reproduced below.]

Decree Organizing the Administrative Services of the Presidency of the Council (Journal Officiel, 2 Feb., 1936).

The President of the French Republic,

Upon the report of the President of the Council and of the Minister of Finance, . . .

In view of article 23 of the Finance Act of 24 December, 1934, reading as follows:

"The Minister, in charge of the Presidency of the Council, has under his direction:

"The Administrative Services of the Presidency of the Council;

"The Central Services for Alsace-Lorraine;

"The General Secretariat of the Superior Council of National Defense;

"The National Economic Council;

"The National Labor Council;

"The Central Statistical Office";

After consultation with the Council of State,

Decrees:

Article. 1. The Administrative Services of the Presidency of the Council shall consist of:

(1) Not to exceed fifteen junior administrative officers on detached service from their departments, or men appointed from outside the public service, one of whom may be given the title and exercise the functions of Secretary-General of the Administrative Service of the Presidency of the Council;

(2) A permanent staff composed of one bureau chief, one deputy chief, one deputy bureau chief, two chief clerks, two ordinary clerks, and four doorkeepers.

Article 2. In addition to the foregoing personnel, auxiliary staff may be employed on a temporary basis according to the needs of the service and within the limits of the appropriation for this purpose. The scale of remuneration for the auxiliary staff shall be determined by a decree countersigned by the Minister of Finance.

[Articles 3-13 specify the methods by which the secretariat personnel is to be appointed, promoted, and controlled.]

Article 14. The President of the Council and the Minister of Finance, each in so far as it concerns him, are charged with the execution of the present decree, which shall be published in the *Journal officiel*.

Done at Paris, 31 January, 1936.

Albert Lebrun.

By the President of the Republic:

The President of the Council,

P.-E. Flandin.

The Minister of Finance,
Germain-Martin.

26. THE CAREER CIVIL SERVICE

[While virtually all of the vast army of administrative employees of the French central government are nowadays chosen by competitive examination and enjoy permanence of tenure, there is no general interdepartmental personnel agency, like a civil service commission, to handle the complicated operations of recruitment. Nor is there any general civil service code stipulating personnel policies and regulating the status of civil servants. Repeated attempts to secure such legislation have so far proved futile. The only statutory rule applying to the entire civil service is to be found in the now famous article 65 of the Finance Act of 1905 (reproduced as the first document

below). The status of certain classes of state employees, e.g., school teachers, is regulated by special laws.

Each administrative department or lesser unit determines its own rules of recruitment, promotion, compensation, and discipline for its personnel. Among the most attractive careers in government work for young university graduates are the Foreign Service, the staff of the Council of State, and the Treasury Inspectorate. To gain admission to these services candidates must pass extremely exacting written and oral examinations designed to appraise both their cultural and their technical qualifications. In the case of the Treasury Inspectorate, successful applicants may look forward to a life career engaged in the important work of supervising the processes of tax assessment and collection throughout the country, inspecting Treasury accounts, and developing methods for improving fiscal administrative techniques (see the second document reproduced below).

As will be noted from the third document, the entrance examination to the position of "junior clerk" is more rigorous and comprehensive than the title of the position might suggest. It should be pointed out, however, that the personnel so recruited is eligible for promotion to the grade of "chief clerk" [*rédauteur*] and also, in certain departments, to bureau chief, involving responsible intellectual work (editing, investigation, ordinance and bill drafting, office management, etc.). The French have long prided themselves on drawing into the public service its proper share of the "élite" coming out of their secondary and technical schools and universities.]

Communication of Personal Records (Art. 65, Finance Act of 1905).

Every civil and military official, every employee, and every laborer in the public service has a right to demand the confidential communication of all papers and documents in his rec-

ord (*dossier*), in case he is threatened with disciplinary action, transfer against his will, or delay in promotion by seniority.

Personnel of the Treasury Inspectorate (Annuaire général des Finances, 1933-1934, Paris, p. 103).

Article 21. The personnel of the General Treasury Inspectorate, including inspectors detached from administrative bureaux, is composed of:

18 general inspectors; and

96 inspectors and assistant inspectors forming four classes of inspectors, with a maximum of 21 units per class, and one class of assistants.

Article 22. The salaries of the personnel of the General Treasury Inspectorate are set as follows:

	Francs
General Inspectors	100,000
1st Class Inspectors { After 20 years' service beginning with appointment to the 2nd class	75,000
{ After 6 years' service as 1st class	72,000
{ After 3 years	65,000
{ Before 3 years	60,000
2nd Class Inspectors { After 3 years' service in 2nd class	54,000
{ Before 3 years	49,000
3rd Class Inspectors	39,000
4th Class Inspectors	30,000
Assistants	22,000

Article 23. Assistant inspectors shall be recruited by competitive examination from *licenciés* in law, letters or science [equivalent to the American master's degree], and former students of the *Ecole polytechnique* who have passed its final examinations.

Candidates must have completed their military service and be at least twenty-two and not more than twenty-eight years of age on 1 January of the year in which the examination is held.

Article 24. Fourth-class inspectors shall be recruited from as-

sistants who, after at least two field inspection trips, have successfully passed a qualifying examination, the conditions of which shall be determined by ministerial order.

Assistants who, after this examination, shall not have been declared apt for the duties of inspector and who previously belonged to other services in the Ministry of Finance, shall be returned to these services in the grade which they would have held if they had not left. . . .

Article 25. The promotion of inspectors shall take place by grade and by class within each grade.

Article 26. There shall be admitted to the examination cited in article 24 for the position of 4th class inspector, in a proportion not to exceed a quarter of the vacancies, and in conformance to such conditions as are laid down by ministerial order:

(1) Employees of the central Treasury administration, of the revenue services, of the postal and telegraph services, and of the *Caisse des Dépôts et Consignations*, with at least seven years of service; and

(2) 2nd class auditors on the Council of State or the Court of Accounts having at least two years of service in that capacity.

Article 27. General inspectors are appointed by decree of the President of the Republic upon the recommendation of the Minister of Finance.

Inspectors of the 1st, 2nd, 3rd, and 4th class and assistants shall be appointed by the Minister of Finance upon the recommendation of the Chief of Service of the General Inspectorate.

Recruitment of Junior Treasury Clerks (Order of 20 July, 1923, reprinted in the *Annuaire général des Finances*, 1933-1934, Paris, p. 107).

Article 1. Candidates for employment as junior clerk in the central offices of the Ministry of Finance must submit the following documents:

- (1) an application on official stamped paper;
- (2) a transcript of their birth certificate on stamped paper;
- (3) a bachelor's or *licencié's* diploma;

(4) an affidavit that they have satisfied their obligations for military service; and

(5) a medical certificate from an officially sworn physician to the effect that they have no infirmity incompatible with office work nor any contagious disease, of whatsoever nature it may be, susceptible of being transmitted to persons with whom they may come into contact in offices.

Article 2. The Minister shall set the date of the examination and appoint the members of the examining committee.

Article 3. The examination shall consist of the subject-matter appended to the present order.

Article 4. Each of the tests in the written examination and each of the oral interrogations shall be numerically scored according to the following scale:

0, Nil.	9, 10, 11, Passable.
1, 2, 3, 4, Poor.	12, 13, 14, Fairly good.
5, 6, 7, 8, Mediocre.	15, 16, 17, Good.
	18, 19, 20, Very good.

The relative value of the tests and interrogations shall be determined by the coefficient indicated below, multiplied by the number of points received:

<i>Written Part</i>		<i>Oral Part</i>	
Essay	15	Constitutional government ..	3
Memorandum	7	Public accounting	4
Arithmetical problems	4	Taxes and public revenues ...	4
Compilation, graph, or translation	3	Central administration of the treasury and the public credit	4
		Arithmetic	3
		Geography	2
		English, German, Italian, Spanish (optional interrogation)	1

An increase of 5 per cent in points received shall be accorded to those candidates who, in addition to a bachelor's diploma, present a *licencié's* diploma, or who have passed the final ex-

aminations in the *Ecole polytechnique*. This increase shall be taken into account in their definitive ranking.

Article 5. After the written papers are corrected, the examining committee shall draw up the list of candidates to be allowed to undergo the oral tests.

Article 6. At the beginning of the first test, the Law of 23 December, 1901, relative to dishonesty in examinations and public competitions, shall be read. Any candidate found guilty of dishonesty, of whatever kind, shall be automatically eliminated and in addition excluded from all future competitions, without prejudice to the penalties provided in article 2 of the aforesaid law and, if need be, of disciplinary action. . . .

Article 7. The interrogation on the English, German, Italian, or Spanish language, or on several of these languages combined, shall be optional. Points obtained from each of these tests shall be cumulative.

Article 8. No one shall be permitted to take the tests in this competition more than three times.

Content of the Examination

First Part—Written Tests

- (1) An essay on a general topic in economics or finance (5 hours);
- (2) A memorandum on some question dealing with constitutional, administrative, or financial organization (3 hours);
- (3) The solution of problems in arithmetic (3 hours); and
- (4) Preparation of a table or graph, based upon given statistical data; or, upon the candidate's request, translation without the aid of a dictionary of an English, German, Spanish, or Italian text (2 hours).

Second Part—Oral Tests

[details omitted]

- (1) Constitutional and administrative organization of France;

- (2) General rules of public accounting;
- (3) Legislation relative to taxes and other public revenues;
- (4) Central financial administration;
- (5) Administrative and economic geography of France and its possessions;
- (6) Questions on arithmetic; and
- (7) English, German, Italian and Spanish (optional interrogation).

27. ADMINISTRATIVE SYNDICALISM

[The last forty years have witnessed the rise of an unusual type of "trade-unionism" among employees of the French state. This staff association movement had its ideological inspiration in the philosophy of revolutionary *syndicalism*, and in its earlier stages urged that the public services should be managed autonomously by representatives of the organized rank and file. "The postoffice to the postmen" and "The schools to the school teachers" ran their mottoes. More recently, the majority of the larger staff *syndicats*, now federated nationally, have become less radical in doctrine and concern themselves mainly with efforts to improve the professional status of their members and methods of administration. Nonetheless, they continue to engage in political agitation, most of the lower-income groups belonging to the Socialist or the Communist party. Use of the strike is still a heatedly debated issue, particularly among the organized postal employees, elementary school teachers, state railway workers, and subordinate clerical personnel. Today over two-thirds of the 600,000 employees in the central government departments belong to syndicalist organizations, although most officials in the higher brackets, being of conservative background, remain outside the movement.

The passage quoted below is a commentary on certain aspects of this knotty problem of employee organization and behavior, which, in a liberal democratic régime like France, has far-reach-

ing implications. (W. R. Sharp, "Public Personnel Management in France," in *Civil Service Abroad*, New York, 1935, pp. 145-153. Reprinted by permission of the McGraw-Hill Book Co.)]

The concrete activities of staff unionism may conveniently be classified under four general heads: (1) social welfare measures in the interest of its membership; (2) efforts to secure better pay and more favorable working conditions; (3) the promotion of improved administrative processes; and (4) the dissemination and propagation of economic and political doctrines.

The first of these types may be dismissed as of little significance. No extensive programs of welfare work or mutual self-help have been undertaken by employee groups. Not only are their financial resources too meager, but Frenchmen of whatever class are prone to look rather to church or state for social relief than to voluntary co-operative endeavor. Certain *syndicats* have instituted modest insurance funds, a few have undertaken to run correspondence or night schools, but the volume of such activities is negligible.

There is no question that the drive to defend and improve the economic status of the membership constitutes the spearhead of administrative syndicalism. By incessant propaganda through scores of syndicalist publications, by vigorous lobbying before parliamentary committees, by holding mass meetings of protest, by open participation in electoral campaigns, the power of staff collective bargaining has made itself felt in the long and uphill struggle for salary revision and standardization and in the fight for family allowances, cost-of-living bonuses, retirement pensions, shorter hours, and vacation privileges. Sometimes this force has been exerted vehemently and unreasonably, occasionally with mean and vindictive motivation, but more often than not with a full measure of justice on the staff side.

Implicit in this central aspect of employee unionism is resort to the strike as the ultimate weapon of staff defense if and when all other methods fail. As originally promulgated, the orthodox syndicalism of Georges Sorel and his school proposed,

first, organizational solidarity, then sabotage, and finally the general strike as the three sanctions by which the revolutionary overthrow of the capitalist order might be consummated. In qualified form this ideology was accepted by syndicalist organizers in the government services. While strikes by public employees lack legal authorization in France, there is now no law, nor has there ever been a law, explicitly forbidding the collective cessation of work. For most syndicalist leaders it is not a question of law at all, but a question of fact, which logically has nothing to do with legislation relative to the general right of association. Actual attempts to use the strike as a coercive measure have, however, been not only relatively infrequent, but mostly of restricted scope or of brief duration for "protest" purposes. The high tide of strike agitation was the period from 1905 to 1910. In addition to local strikes among workers in government arsenals, tobacco and match factories, and the mint, an open and general revolt of postal employees took place in 1909 which caused the complete stoppage of postal operations in Paris and several large provincial cities for periods of a week to ten days. The staffs of the telegraph and telephone administration refrained from supporting their comrades and the strike collapsed after the government had dismissed hundreds of its ringleaders. The sensational strike of French railway workers a year later, which was nipped in the bud by Briand's bold military mobilization order, was essentially an industrial conflict, few of the employees on the state railway system participating in the action.

Since the World War, except in communist circles, emphasis upon the strike as an instrument of combat has tended to decline in conformity with a noticeably conservative trend in syndicalist tactics. Sporadic strikes by subordinate employees have occurred, but they have usually been orderly gestures of protest by local groups against minor grievances, and have been limited in duration to a few hours or at most a day. Such was the case in 1925 when telegraphers and telephone operators in Paris struck for two hours; when, in 1929 again, Paris postmen suspended work for twenty-four hours; and in 1927 and 1929, when secondary and elementary school teachers refused

to serve on examination boards because of resentment over certain phases of the government's salary policy.

The imposition of "economy" pay cuts during the present depression has, however, stirred anew the "strike psychology" among the civil servant class. In February, 1933, a nationwide "protest" strike was staged with remarkable solidarity and discipline by the larger field employee groups. For periods of ten minutes to an hour postal clerks, telegraph employees, customs and revenue officials, public transport workers, and elementary school teachers stopped work. At fixed intervals telephone operators interrupted service by deliberately giving wrong numbers. Still more impressive was the nation-wide strike of twenty-four hours in defense of "republican principles" and against fascism, successfully staged on February 12, 1934, by the organized industrial workers and government employees acting along a "united front."

As a consequence, in part, of the fact that the operation of no important public service has yet been interrupted for any sustained period of time by strikes, French political leaders are inclined not to reopen the issue legally. Formal proposals (as in 1909 and 1920) to outlaw strikes by state employees have proved abortive. In numerous cases, however, the Council of State has decided that, in the event of a strike, all disciplinary guaranties established by statute or departmental regulations become automatically suspended. Thus it has been not uncommon for department heads to impose peremptory suspension or dismissal upon employees guilty of instigating strikes. By and large, in recent years, staff leaders have taken a fairly restrained point of view so far as using such an extreme weapon for coercive purposes is concerned. The strike is a threat to be held in reserve. As *La Tribune du fonctionnaire* significantly put the matter a few years ago: "The ideal of administrative syndicalism must always be the efficient and uninterrupted operation of all the public services."

The orientation of civil service unionism toward such a goal is attested by its growing interest in administrative reform since the World War. Just as the French C.G.T. has shifted its focus from revolutionary to evolutionary objectives, so have

staff syndicalist organizations laid diminishing stress upon the militant shibboleths of pre-war days, when they were wont to herald the advent of a full-fledged syndicalist order in which every public service, like every industry, would function as a "self-governing guild." To adapt the processes of the state to the complex needs of contemporary society is imperative, but this modernization, argue the syndicalist chiefs of today, must take place within the confines of republicanism. The major staff groups are now looking increasingly toward the investigation of bureaucratic malpractices and the development of constructive reform proposals.

The major contribution of the corporative movement to administrative improvement is witnessed by the extent to which competitive recruitment has replaced patronage during the last half century. Second in importance is the extension of the principle of promotion based upon the measurement of individual performance, even if it is typically applied in far too mechanical and automatic a manner. Next in order stands the establishment of an elaborate system of juridical protection against the abuses of authority and unjust dismissal. In the sphere of organization and office procedure there has to date been more talk than actual accomplishment. This is doubtless natural in a movement directed mainly by volunteer committees and deliberative assemblies. Such devices lend themselves more easily to oratory than to detailed planning based upon preliminary factual research. Until adequately equipped secretariats can be provided, progress of this kind is likely to be slow and halting. Furthermore, its tempo will always be conditioned by the success with which the creative idealism and constructive vision of a few leaders can overcome the inertia of the rank and file.

Nevertheless, there are some notable contributions to record. In the P.T.T. the larger employee groups have incessantly advocated the transformation of the service into something approaching a public corporation managed by a board of directors representing in equal numbers staff, users, and the government and endowed with complete operational and financial autonomy. Penetrating exposés of evasion and waste in tax administration

have been made by staff associations in the fiscal services. The national union of road menders has urged a unification of local, regional, and national highway agencies with a view to a more equitable distribution of cost and a more economical system of road maintenance. As a fourth example, the proposals of the union of labor inspectors for reorganizing the services of industrial inspection may be cited.

Throughout the range of such activities as these, however, a marked indifference to "scientific management" along "Tayloristic" lines is discernible. The reason for this appears to be the fear, based upon a one-sided understanding of what it means, that the introduction of time and motion studies, job analyses, and productivity bonuses might have as a by-product the revival of favoritism and personal discrimination in assignment and promotion on the one hand, and a reduction in the number of jobs and lower basic pay scales on the other. A long and careful process of education will be necessary in order to convince the mass of government workers that such fears are groundless.

However the practical contributions of staff syndicalism to administrative reform may be evaluated, there is no question that the movement has become a sociological force of the first importance. It serves as a dynamic medium for the propagation of political and social ideas. As a voting bloc, the organized *fonctionnaires* act almost as a political party by and of themselves; when their front is not quite so solidified, they form aggressive phalanxes in the makeup of the political parties of the Left. An increasing number of civil servants, though still small, stand for the Chamber of Deputies, and those who are elected form an assertive group in the national legislature. The government's position relative to the participation of civil servants has gradually become liberalized to the point of permitting candidates for office to be retained on full pay provided their campaigns do not interfere with their official duties, or otherwise of according them leave of absence during the campaign, with reinstatement in case they fail of election. Since the French constitution forbids salaried public officials from holding seats in Parliament, they must resign their administrative posts before being sworn in as legislators.

When civil service groups are able to maintain a relatively united front on controversial questions, they can exert a powerful influence upon public opinion. It is not too much to claim that they were the decisive factor several years ago in defeating the campaign waged by conservative interests to have the government match monopoly turned over to the Swedish match trust. The vigorous advocacy by municipal employees of the municipal ownership of public utilities has greatly stimulated the growth of that movement. And there is no doubt that the effective resistance of the great national civil service federations to drastic salary reductions has, during the recent economic crisis, been a valuable bulwark to the service against the attacks of "deflationary economy-mongers."

If party activity outside working hours may now be engaged in by civil servants with relative impunity, the public expression of opinion on controversial issues touching moral or patriotic standards is less freely permitted. Public school teachers, for example, have been known to suffer outright dismissal or transfer to less desirable posts for participating in birth control propaganda or pacifist demonstrations. The attempts of the elementary teachers' union to drive from the schools "bellicose" textbooks have repeatedly met disciplinary hostility on the part of the authorities. On almost equally dangerous ground do civil servants dare to challenge publicly the wisdom of official governmental policies. It is the custom in certain ministries, notably the Treasury, to require that all articles on departmental operations and procedures be approved by the minister before publication; more frequently, there are no set rules at all on the matter, with the tacit understanding that whatever an employee may say about the work of his department in the public prints must be temperate, nonpartisan, designed neither to reveal the course of official action prematurely nor to embarrass the administration unduly, and must above all not be motivated by the desire for personal gain.

Broadly speaking, the distinction between what is proper and what is improper behavior, whether official or unofficial in character, is confused. There is no adequate delimitation of offenses. Civic and political activity outside working hours has

been only partially reconciled with the demands of efficiency and neutrality while on duty. In some respects, French civil servants enjoy the extreme of liberty; in others they often find themselves the victims of petty official persecution. The adoption of a substantive code of ethics, formulated jointly by high officials and subordinate staff, would undoubtedly aid morale, reduce friction, and instill greater interest in the service of administration.

Considered in its entirety, the corporative movement in the public service has suffered condemnation from French constitutional lawyers. To most of the legal fraternity "the syndicalist formula is a peril." The thoughtful observer is forced to recognize that it has liabilities as well as assets. But its evils lie less in any tendency to revolutionary agitation than in its proneness to allow too little recognition of exceptional ability in assignment and promotion procedures, in its tendency to be dominated by an "equality complex," and in its readiness to remove mediocre performance from any effective sanction—above all, dismissal. Granted the existence of such shortcomings, it appears equally true that the movement possesses real potentialities which have as yet been only slightly tapped by the authorities. In this connection, the establishment of continuous channels for the joint consultation of management and staff is urgently needed. The foundations for this are already laid in the promotion boards, disciplinary councils, and advisory committees that exist in many departments. But their sphere of operation might profitably be broadened. If the Government set out to earn the good will of its staff leadership, up and down the line, recourse to the strike would gradually pass from the foreground to the background of syndicalist thinking. It is doubtful whether there exists any other single element so promising for the eradication of bureaucratic vices as the reservoir of ideas and experience which this corporate staff consciousness contains.

28. THE DUAL RÔLE OF THE PREFECT

[The prefect is the key official by and through whom Paris maintains continuous administrative surveillance over local gov-

ernment and administration in each of the ninety territorial *départements* into which France is divided for governmental purposes. In addition to acting as an appointive field agent of the central Government, however, the prefect is the chief administrative officer of the local *département*. Since he finds it expedient in practice to keep on close terms with local politicians,—deputies, departmental and municipal councilmen,—the result has been the emergence of a local democracy which has become strong enough in many parts of the country to counter-balance legal centralization with a regional and local quasi-“self-government.” The two passages that follow discuss this double rôle of the prefect.]

The Prefect as an Agent of the Central Authority. (H. Berthélemy, *Traité Élémentaire de Droit Administratif*, 13th ed., Paris, 1933, pp. 160-165. Translated and reproduced by permission of Rousseau et Cie.)

Prefects are appointed by decree upon the recommendation of the Minister of the Interior. No special qualifications are required; it is sufficient if they are French citizens, adults, and in possession of civil rights. . . .

In addition to their salaries, prefects receive, from a special subscription fund, varying amounts for office expenses, entertainment, travel, etc. . . .

In the administration of national affairs, prefects act either as *representatives* of the Government, or as *agents* of the central authority.

When they act as *representatives* of the Government, they are invested with the power to make legal decisions. This, of course, does not prevent them from having to account for their acts to the ministers. They may not make a legal decision without previous authorization, or subsequent approval, or without the right of the minister to overrule his subordinate. The minister may annul any such action taken by the prefect on grounds of illegality or even of poor judgment.

The situation is different when the prefect acts merely as

agent of the central authority. Then it is the ministers that decide; the prefect merely executes their decisions, as intermediary between the Government and the public. . . .

The functions of the prefect as representative of the Government fall into five categories of actions: . . .

(1) *Appointment of officials*.—The prefect appoints subordinate employees of the prison administration, postal and telegraph services, supernumeraries in the tax collection services, most of the employees of welfare establishments, instructional personnel in public elementary schools, etc.

(2) *Direction and Control of Certain Services of a General Interest*.—The prefect has under his direction the penitentiary administration. For the military establishment, he is responsible for supervising the operation of recruitment; in respect to finance, he participates in the work of assessing and collecting direct taxes; with regard to public works, he is charged with the administration of national highways.

(3) *Representation of the State as a "Moral Entity"*.—The prefect handles contracts affecting the public domain: leases, sales, acquisitions, the purchase of equipment, construction, etc.; he represents the State as litigant in the courts of his own jurisdiction [*département*].

(4) *Exercise of Administrative Control*.—It is in this sphere that decrees issued in 1852 and 1861 increased the powers of the prefect. Originally, the control of municipalities and other local public establishments was exercised almost exclusively by the central authority, only exceptionally by the prefect. Today the rule is reversed and the exercise of control by the prefect has become the general law.

The prefect may suspend for one month any member of a municipal government or even the municipal council as a body. He also has the right to annul those decisions of municipal councils which he deems illegal, as well as the orders of mayors, etc.

A large part of these powers of control over municipalities was transferred by the decree of 5 November, 1926, to sub-prefects, acting, however, under the surveillance of the prefect.

With regard to the *département*, the prefect has the right to

carry an appeal [to the Council of State] against any decision of the general council in violation of a law; he is empowered to dissolve any illegal meeting of such council by an order in which the reasons for his action are indicated.

(5) *General Police Power*.—The prefects are responsible for the maintenance of order; for this they have the right to make use of armed force if necessary.

Their police powers are independent of or superior to the powers of mayors: independent if they concern matters in which the prefect alone is competent; superior if it is a question of measures which the prefect may take only in case municipal police action is inadequate.

The prefects are responsible for the general State police that enforce the laws relative to regulation of the press, public meetings, private associations, foreigners, etc.

The powers of prefects as to public hygiene, especially unsanitary establishments, epidemics, and epizootics, are derived from their police powers. They have the power to regulate the public morals, hunting and fishing, theaters, etc. . . .

The police powers of prefects are superior to those of mayors if it is a matter of instituting for the entire *département* measures which a mayor might legally take for his own *commune*. Prefects, however, may not substitute their own authority for that of mayors; it is for this reason that the former are forbidden to use their general police powers by issuing orders applicable to a single *commune*.

The Prefect and Local Self-Government. (A. Siegfried, *op. cit.*, pp. 108-109. Reprinted by permission of the Yale University Press.)

A very interesting adaptation is now reviving the spirit of our local administration in the French "*départements*." For many years, actually since the early days of the Third Republic, the prefects have come to receive their political instructions almost as much from the deputies elected in the *département* (provided they are republicans) as from the Minister of the Interior. More recently the prefect has come to play a real leading part in his own *département*, but essentially he is an administrator,

a fact which has brought about closer and closer relations between him and the *Conseil Général*, which is the elected local assembly of the *département*. As a matter of doctrine nothing is officially changed and the prefect is still only responsible to the central authority, as he was in the time of Napoleon. But it wouldn't be any easier for him to direct the business of his *département*—daily more complicated—if he did not have the confidence of the local assembly. The automobile used by the prefect and paid for by the *Conseil Général*, constitutes a symbol of their close relationship. This local democracy which is coming into being, is Swiss in spirit and very earnest in the management of its own affairs, and here at last we have found something really constructive.

29. BUREAUCRACY IN FRENCH INSTITUTIONS

[The following passage, written by the author of these lines in another connection, gives some idea of the way in which the bureaucratic pattern of administration permeates the French State. (W. R. Sharp, "Public Personnel Management in France," in *Civil Service Abroad*, New York, 1935, pp. 153-157. Reprinted by permission of the McGraw-Hill Book Co.)]

In an old traditionalized society like that of France the bureaucratic germ is peculiarly virulent. In greater or less degree almost every institutional aspect of French life appears to function according to a bureaucratic pattern—the universities, the theaters, hospitals, organized charity, the church, as well as industry, transportation, banking, labor organization, and the liberal professions. The hierarchical principle holds sway everywhere and social values are determined in terms of hierarchical prestige. In this cluster of unofficial bureaucracies, the governmental machine acts as "the central co-ordinator of national traditions and national life." Accustomed to daily inconveniences and restrictions imposed upon individual and social behavior by bureaucratic mechanisms and the bureaucratic temper, the average Frenchman has developed an innate tendency to protest

against the shortcomings of the purely official segment of the bureaucratic organization of his life. It is a part of his revolutionary inheritance to rebel against authority imposed from above. The newspapers are chronically filled with diatribes against the "spying" tax collector and the abusive telephone operator, against the slow-moving, frequently inefficient, and sometimes insolent official of whatever rank or description.

It is easy, of course, to find justification for this attitude. The administration of the French state is permeated more or less with a bureaucratic psychosis in which the major elements are a spirit of caste, unimaginativeness, secretiveness, excessive formalism, and a fair degree of officiousness. Traditionally, authority has been so centralized that in its radiation through hierarchical channels to the offices and agents at the extremities, red tape often chokes the processes of administration. "There is an intricate network of routine mechanisms; constant dissipation of forces; chains of costly links, on which business stagnates as successive verifications pile up; men consider, then reconsider; men verify, then reverify, or counter-verify; the least discrepancy gives rise to doubt, to supplementary inquiries, to commentaries, to pointless arid discussions." To an amazing degree clerical operations are still carried on by hand, a fact which explains the abnormally high ratio of clerical to functional personnel. In the majority of Government offices the methods of keeping records are antiquated. A more general utilization of loose-leaf filing systems and such other labor-saving devices as computing machines, addressographs, and dictaphones would undoubtedly produce greater speed and statistical accuracy, as well as economy, in handling administrative business.

From the standpoint of staff morale, the otherwise admirable effects of the recruitment, training, and promotion procedures outlined in the preceding pages are all too often compromised by the rigid, mechanical manner in which they are applied. Initially prepared to assume responsibility for making decisions early in life, too many employees are reduced to the permanent status of routine paper workers. Twenty years ago it took the dynamic effects of war service to dissipate the chloroform of bureaucracy and transform hundreds of petty bureaucrats into

brilliant line officers. The return of peace led some of these men to enter commerce and industry, but most of them returned to their old tasks and gradually succumbed once again to the deadening, formalistic atmosphere of a bureaucratic organism on which modern technology has yet made comparatively little impact.

As French personnel policy is ordinarily administered, there exists little stimulant for the exceptionally endowed subordinate or intermediate official to develop his talents, because he knows he will probably be promoted along with the rest and not before. "Promotion," once remarked an eminent member of the French Council of State, "is never rapid enough in our governmental service." Advancement comes too easily for the mediocre, while for the man with natural aptitudes for administrative leadership and policy planning it is frequently denied until too late. The difficulty is that, while seniority is easy to measure, merit is largely a matter of subjective appraisal. This is why the rank and file are still reluctant to set much store by systematic rating devices. They have yet to be convinced that their use can be divorced from a tendency to favor a charmed inner circle and discriminate against those outside it. "Changes of air" for staff officials are inadequately provided for. Nor is there in practice a sufficient interchange of ideas and experience between local and central administration. A greater devolution of administrative discretion to junior officers at headquarters and, even more, to agents in the field would help to counteract the natural tendency of a strongly centralized governmental system to bog down territorially. Supplementing this deconcentration, a more rational distribution of work among central departments, the consolidation of petty bureaus and divisions intradepartmentally, and a closer integration of the operation of field offices over the country would serve to curtail overlapping, friction, and cross-purposes in the day-to-day tasks of administration.

Emphasis upon these pathological aspects of the state bureaucracy of France should not, however, be allowed to distort the picture. French public administration possesses certain solid virtues. By and large, it is conducted honestly and intelligently.

In the main, the public service still offers career opportunities as attractive as those provided by comparable occupations in the business and professional world. Socially and economically, the areas from which public service personnel is drawn are changing from aristocracy and hereditary wealth to the middle and working classes as the educational system is democratized. Governmental administration has been effectively rid of the more flagrant types of political interference. Judicial safeguards against bureaucratic usurpation of authority affecting the personal and economic interests of state employee and private citizen alike are admirably provided by a system of administrative courts unexcelled anywhere else in the Western world.

In terms of greater technical efficiency and operational economy, the difficulties of reform are psychological. Despite chronic complaints, the mass of the citizenry are at bottom indifferent to the desirability of greater administrative efficiency. "Abuses are tolerated by the French provided they can laugh or make cynical remarks about them. . . . Life is not very hard, after all, even if governments do not try to make it perfect. Good-humored contempt is reform enough." Nevertheless, there are signs that the impact of economic and technological change is forcing the French nation to consider how its anachronistic system of administration may be "renovated" in accordance with modern management principles. Whether the economies forced by the present depression will hasten the tempo of administrative reform it is too soon to be sure. The task of French statesmanship is to educate the French public to the view that the security, prosperity, and happiness of a nation in an industrial age depends far more upon wise internal social planning and administration than upon fleeting diplomatic triumphs or a spectacular show of military prowess.

VI

COURTS AND JUDGES

30. THE JUDICIARY AS A CAREER

[The following article by an American student of judicial organization strikingly sets forth the contrast between the French and the Anglo-American systems of selecting judges and prosecuting attorneys.]

"The Career of Judges and Prosecutors in Continental Countries." (M. Ploscowc, *Yale Law Journal*, Dec., 1934. Excerpts reprinted by permission of the editors.)

Certain factors in the judicial organization complicate judicial and prosecutorial careers in Europe. In the first place, in contrast to England and America, all courts in France, Germany and Italy, except the petty courts, are collegial. The Europeans feel that the participation of several judges in a decision gives greater guarantee of its soundness. Trial courts of general jurisdiction function with three judges; appellate courts with at least the same number. In the second place, European courts are sedentary. Neither France, Germany, nor Italy follows the English practice of holding assizes by a limited number of circuit judges sent out from a central court at stated periods. . . . Thirdly, none of these countries have an institution similar to the English justices of the peace, the non-professional unpaid laymen, who, with or without a jury, dispose of the bulk of criminal cases and permit a limited number of professional magistrates to judge the rest. In France, Germany and Italy a professional magistrate participates in the judgment of all cases from the pettiest offenses to the gravest crimes. Fourthly, qualified magistrates are required not only to perform judicial functions, but also to act as investigating magistrates and as prosecu-

tors. In none of the three countries is there any difference in qualification or career between the prosecutors and the members of the judiciary. . . .

France was for a long time remiss in providing systematic methods of recruiting its magistrates. During the nineteenth century few qualifications were established for the judiciary. Candidates had to be French citizens, twenty-two years of age or over, of good character and morals, in possession of all civil and political rights, holders of a diploma in law, and with at least two years' practice at the bar. No examination was prescribed; no other apprenticeship was required than that which might be had from a career of two years at the bar.

In 1876, Dufaure, a celebrated Minister of Justice, established a system of competitive examinations and organized an apprenticeship for candidates to the magistracy, but his successors dropped this system only three years later despite its excellent results, because it interfered with a political selection of the magistracy. Not until 1908 did the French establish the existing system of recruiting. Admission to the judiciary is now by examination. In addition to the former qualifications, the candidate before admission to the examination must serve an apprenticeship of one year as an attaché to the Minister of Justice, or to a prosecuting attorney's office. . . .

Candidates desiring to take the examination must address themselves to the *Procureur de la République* of the jurisdiction in which they reside, furnishing documents which establish their qualifications. These documents are transmitted to the *Procureur Général* of the appeal court in the district. The *Procureur Général* and the chief justice of the court make separate investigations of each candidate. They submit separate reports to the Minister of Justice, the original documents of the candidates being transmitted therewith. On the basis of the data and opinions, the Minister of Justice determines which candidates will be permitted to undergo the written and oral examinations designed to determine whether they possess the knowledge indispensable for the exercise of judicial functions. As a rule, successful candidates may only be named substitute judges (*juges suppléants*) of the courts of first instance. How-

ever, the period which a candidate passes as a substitute judge, in contrast to the Italian practice, is not a prolongation of the apprenticeship; the "juge suppléant" is irremovable once he takes his oath of office. . . .

The French make many exceptions to the normal methods of recruiting. One-sixth of all the vacancies in the magistracy in any one year may be filled by professors and lecturers in law faculties, members of the *Conseil d'Etat*, lawyers, solicitors and notaries, certain categories of administrative officials. . . .

Up to 1906 the Minister of Justice in France had complete discretion in the advancement of magistrates. This delivered the French judiciary completely into the hands of a political official. Advancement could usually be obtained only by enlisting the support of politicians and friends who would use their influence with the Minister of Justice. Clemenceau, despite his sojourn in America, advocated the election of judges as a remedy. Before the Chamber of Deputies he gave a succinct description of the existing situation: "What does the Minister of Justice do when he wishes to nominate a judge? He consults his office where he finds . . . excellent recommendations from journalists, functionaries, deputies, senators, and even of magistrates, who tend naturally to perpetuate the nepotism of their organization. A choice must be made from among these recommendations, but how choose, how determine? Such and such a one is the friend of such and such an influential man; one considers it necessary to reconcile this person, assure oneself of the support of that one; reward the services of such and such a person who recommends a relative or friend."

Two decrees, one in 1906 and the other in 1908, tried to give some guarantee to the judges by instituting promotion lists (*tableaux d'avancement*) from which advancements had to be made. But these decrees still left so large a discretion in the Minister of Justice that they did little to check the old evils of political nepotism. Subsequent laws and decrees and especially that of July 21, 1927, which is still in force, have been more successful. At the present time the various positions in the courts and in the prosecuting authorities are grouped in twelve different categories. A magistrate may be promoted only to a

post in the category immediately above his own and then only if he has attained inscription on a *tableau d'avancement* after at least two years' service in his present position. . . .

This system of appointment does not apply to judges of the *Cour de Cassation*, the Chief Justice and *Procureur Général* of the *Cour d'appel*, nor to the presiding justice and *Procureur de la République* of the Paris court (*Tribunal de la Seine*). For these posts, except for the nominations to the *Cour de Cassation*, the discretion of the Minister of Justice is unlimited. His discretion is exercised, however, only after consultation with his colleagues in the Cabinet, who always give very careful consideration to these appointments in view of their very great political importance.

The advancement of magistrates in France is therefore governed by the following conditions. First, a magistrate must spend a certain number of years in one post before he can be promoted to a higher one, and the extent to which he can advance at any one time is limited. Second, the esteem in which a magistrate is held by his chiefs is a significant factor in his advancement. Third, a magistrate cannot advance unless a promotion commission decides that he is worthy of promotion. [This requirement was abrogated in 1936 by the Blum Government.] Fourth, the Minister of Justice who formerly had a large discretion as to advancement is now limited to making his choice from three names presented to him. Finally, inscription on the *tableau* gives no right of promotion and a certain number of the most important posts are not governed by the ordinary rules.

31. INDUSTRIAL AND COMMERCIAL COURTS

[A phase of French judicial organization little known abroad, i.e., the existence of special courts to adjudicate industrial and commercial disputes, is described in this passage taken from J. Perroud's "The Organization of the Courts and the Judicial Bench in France," *Journal of Comparative Legislation and International Law*, Feb., 1929. (Reprinted by permission of the editor.)]

Division of Courts.—There are in France numerous classes of courts. In the first place we must distinguish the courts of common law on the one hand, that is to say, those which decide cases involving questions of private law, and the courts of administrative law on the other hand, which determine disputes to which one party is the State or some moral person of the public law. These administrative courts are the prefects' councils (*conseils de préfecture*) and above them the Council of State (*Conseil d'état*).

The courts of common law are themselves divided into civil courts composed of judges properly so-called, these courts being the court of the justice of peace, the civil tribunals, the courts of appeal and the Court of Cassation, and over against these the courts of experts (*juridictions professionnelles*) which are composed of members elected for a specified time. The courts of experts are themselves of two kinds, the industrial courts (*conseils de prud'hommes*) and the commercial courts. The industrial courts decide suits arising out of the contract of employment between manufacturers and traders on the one hand, and their workmen and employees on the other hand. The commercial courts (*tribunaux de commerce*) decide suits arising between traders out of commercial transactions (*actes de commerce*).

The existence of these courts of experts is based upon the idea that the suits which are submitted to them depend generally upon questions of fact, of good faith and of customs which will be probably better appreciated by persons carrying on the same business than by ordinary judges. It was also desired to have for this class of case, a procedure which would be less technical and more summary than that of the civil courts.

Industrial Courts.—The industrial courts were created in 1806 by Napoleon. When he happened to be for a time at Lyons, the silk manufacturers and their workmen requested him to re-establish an ancient local court which decided disputes between employers and workmen and was composed of so-called *conseillers prud'hommes* half of whom were elected by the masters and the other half by the workmen. The idea of referring the solution of disputes arising out of the contract of employment—

a class of disputes which always arouses a good deal of feeling—to the interested parties themselves, and of allowing their representatives by regularly working together to become better acquainted and to understand better each other's points of view, appeared to the Emperor a fruitful idea and one calculated to ensure equitable decisions and favorable to social peace. He generalized the institution. Since that time, industrial courts have been created by decree in those towns which have presented a petition for them. The councils include as many industrial sections as there are industries mentioned in the decree. They may comprise in addition a commercial section for litigations between traders of every class and their employees. If in any particular case there should be an equal division of opinion in the council, the president has no casting vote. It is necessary to have recourse to the justice of peace who in this exceptional case presides over the council and secures that there shall be a majority on one side or the other.

The laws organizing the industrial courts have made it the duty of these courts in the first place to endeavor to bring the parties to an amicable agreement, and it is only if the court has not succeeded in this that it is entitled to deliver a judgment. The Court of Cassation has drawn the inference that the omission of this preliminary procedure for conciliation involves the radical and absolute nullity of all the subsequent procedure and consequently of the judgment.

The councillors are elected by those over whom their jurisdiction extends for a period of six years. Half of the council goes out of office every three years.

Commercial Courts.—The commercial courts are composed of judges elected by universal suffrage by the traders domiciled for at least five years in the *arrondissement*. The elections are held every two years and half the number of members of council are elected each time. The electors vote respectively for assistant judges (*juges suppléants*), ordinary judges and a president. To be eligible as an ordinary judge it is necessary to have been an assistant judge for at least a year, and to be eligible as a president it is necessary to have been an ordinary judge for at

least two years. In each class it is possible to be re-elected without a break on two successive occasions.

Commercial courts have been created by decree in those towns in which trade is sufficiently important. In an *arrondissement* in which there is no commercial court, commercial cases are brought in the civil court, but in dealing with them that court will not follow the rules of civil procedure but those of commercial procedure which are simpler.

The commercial courts as an institution are much criticized. It is said, in the first place, that commercial cases frequently raise delicate questions of law, for example, difficult points of partnership law or of private international law and that it is to be presumed that judges who are lawyers by profession would be better qualified to solve these problems. In the second place, it is urged that in practice the commercial courts at present represent in a very imperfect way the original conception of courts composed of experts in the particular trade concerned. It happens frequently, for example, that a case between two metallurgists is heard by three judges, one of whom may be a chemist, the second a stockbroker and the third a wine-merchant. Nay, more, such a situation will not always be a mere accident. Sometimes it is so arranged by the president whose duty it is to distribute the cases among the different sections of the court. The president may be afraid that if he entrusts the case to judges who belong to the same trade as the parties, some of the judges might be suspected of bias, particularly if they happen to belong to a group, association or cartel of which one of the parties only is also a member. And, lastly, the more important of the commercial courts have got into the unfortunate practice of remitting cases in ever-increasing numbers to arbiters named by the court (*arbitres-rapporteurs*). These are private persons charged by the court with the duty of trying to get the parties to come to an agreement and, failing this, of making a complete study of the case both as to fact and law and presenting a report suggesting a decision. No doubt, theoretically, the court is entitled either to approve or to reject this report, but in practice it will almost always be content to adopt it and to make it the judg-

ment of the court. The result is that the most important cases are decided by a single arbiter who is irresponsible and for whom there is no guarantee other than the fact that he is selected by the court.

For all these reasons it is pretty clear that in practice the commercial courts are not very highly thought of by those who are subject to their jurisdiction. This is shown by the ever-increasing frequency in contracts of an arbitration clause which recent legislation has made lawful in commercial matters.

32. THE FRENCH BAR AND CIVIL PROCEDURE

[Below is an interesting account of some of the differences between the organization of the French bar and the handling of civil cases in France, and the set-up of the legal profession in England and America.]

"The French Bar from Within." (P. Crabitès, in the *Amer. Bar Assn. Journal*, July, 1928. Reprinted by permission of the editor.)

Edmund Burke, speaking of the French bar, wrote that: "whatever the personal merits of many individual lawyers must have been, and in many it undoubtedly was very considerable, in that military kingdom no part of the profession had been much regarded except the highest of all." However just or unjust such criticism may have been in 1789, it is not applicable to the Third Republic. Grévy, probably the foremost Latin lawyer of his day, succeeded Marshal MacMahon at the Elysée. Millerand and Poincaré are recognized leaders of the Bar of Paris. Doumergue, when elevated to the Presidency, was the outstanding barrister of Nîmes. Briand has no peer at Saint Etienne. In a word, to call off the great French advocates of today one has but to recall the names of those who now dominate French statesmanship.

And yet this Bar, so masterfully led, has but little in common with the profession in the United States. It submits to an attenuation of its prerogatives that would not be countenanced

in America. I do not refer to the fact that France, like England, segregates the barrister from the solicitor. I have in mind the hereditary aspect of the office of solicitor and, in some cases, that of barrister.

The rôle of the French *avoué* is, in certain aspects, somewhat analogous to that of the English solicitor. All pleadings must be drafted by him and filed by him. He briefs the case for the *avocat*, or barrister. The respondent must be similarly represented by an *avoué*. Once *avoués* have thus been "constituted" all papers must be served upon them and not upon the parties. The trial of the case, however, is not conducted by the *avoués*, who thus personify their clients, but by *avocats*. . . .

Admission to the Bar, properly so called, of the various District Courts and Courts of Appeal is hedged around with requirements somewhat akin to those existing in the United States. There is one departure, nevertheless, from the general rule applicable in America. It provides that one must have practised law for at least three consecutive years before the lower Tribunals and have gone through a carefully ordained course of practical training before one may appear at the Bar of an Appellate Court. Lawyers, who have answered these requirements, do not become King's Counsel. They do not "take silk." On the contrary, those who have not made this grade are called *stagiaires* or apprentices.

When one approaches the Court of Cassation one again enters a strange sea. That Tribunal is the most august judicial body in France. It is composed of forty-nine justices or *conseillers*. They rarely sit *en banc*. They are generally divided into three divisions. Their decisions are pearls of brevity. They have nothing of the eloquence, looseness, and verbosity of dictated opinions. To win a suit before such an intellectual élite is the keenest of pleasures. The only fly in the ointment is that cases are decided in such a masterly fashion that disappointed pleaders have a hard time finding out how to "cuss out" their judges.

Avoué and *avocat*, in this Tribunal of last resort, are blended into one person. His title is that of *Avocat à la Cour de Cassation*. The right of defending one's interests before this Supreme Court by counsel of one's own choice would appear to be

a constitutional prerogative. It may, therefore, perhaps, be assumed that this is the reason why naught is there known of an *avoué*. It is, nevertheless, decreed by a Royal ordinance, dated September 10, 1817, and still in force, that there shall "be attached to the Court of Cassation, ministerial officers known as *Avocats à la Cour de Cassation*, who alone shall have power to file pleadings or argue, verbally or in writing, before the said Court."

These posts become the private property of their incumbents. Today, whenever an applicant desires to enter this Holy of Holies "he must," to quote the *Pandectes Françaises*, "present to the Secretary of the Order:

"(1) proof that he has practised law for at least three years,

"(2) the resignation or death certificate of the *avocat* to whose post he aspires and

"(3) a certified copy of the contract entered into with the retiring *avocat* or his heirs."

These same rules apply to *avoués* appearing before other Courts.

The number of these choice *Cour de Cassation* morsels is irrevocably fixed at sixty. France has but one Court of Cassation. When it is borne in mind that but sixty men may plead before this highest of Tribunals and that these privileged ones may barter or bequeath this monopolistic right it becomes clear that they own franchises worth a considerable sum. The great lawyers, whose names I have mentioned, are not *avocats à la Cour de Cassation*. They plead before the District Courts and the Courts of Appeal. An *avocat à la Cour de Cassation* is not permitted to appear at the Bar of these Courts which mark the heart-beat of the nation.

A score of articles of the French Civil Code could be cited which enumerate certain legal instruments which may only be validly passed before a Notary Public. The sheriffs (*huissiers*) who serve writs for the various Tribunals have a like stranglehold upon their jobs. In a word, the lawyers of France operate in a field where almost the very atmosphere is foreign to American conditions.

I shall not insist upon the effaced part played by both *avoué* and *avocat* in getting the facts of their case before the Court. Nor shall I refer, except in passing, to the *Ministère public*. Suffice it to say that the internal mechanism of a French Court is attuned to the music of paternalism.

In civil cases witnesses are not examined in open court. Counsel present written statements setting forth all admitted facts and their arguments in support of contested allegations. The latter are supported by such documents,—letters, telegrams and exhibits—as may tend to establish and clarify the disputed points. And then the case is argued at the Bar. If, after full discussion, the bench considers that verbal evidence is necessary it so states in an interlocutory judgment. It then sets forth the specific matters upon which it desires to be enlightened. It is not customary for the entire Court to assist at the inquiry thus ordered. One of its numbers is delegated to preside over these proceedings. He hears the witnesses in chambers. It is he who puts such questions as he deems requisite. After he has finished his examination he usually turns towards the silent barristers and says to them: "Gentlemen, do you care to propound any questions?" They are prone to say: "*Non, Monsieur le Président.*" If they answer "yes," they do so with great deference. They then explain, with delicate courtesy, what particular details they would like to elaborate. It is the judge who again does all of the questioning.

Seen through American lenses all of this appears to dwarf the personality of the French lawyer. One must, however, cast aside domestic spectacles when one contemplates foreign fields. Civilization is a mosaic where every stone has its setting. In the life of the France of the XX Century the Bar plays the dominant part that the clergy and the nobility did during the Old Régime. It is his cultural distinction, his technical efficiency and his high moral character that have won this leadership for the French barrister. It is his sane conservatism that has made him the sheet anchor of the Third Republic. He respects traditions. They may savor, in certain instances, of hereditary privilege. Nevertheless, taking them as a whole, they have given him a prestige that is a priceless asset.

The educational requirements necessary for admission to practice put upon every French lawyer the hall mark of college training. There is no short cut to the Bar. All candidates must have received the degree of *Licencié en Droit*. This diploma can be conferred only by one of the State Universities. In France there are no "sheep-skin manufactories." These government institutions are not night-schools. They are, on the contrary, "class A" colleges of law which prescribe a three years' course conducted by full-time professors. No one may be admitted to a *Faculté de Droit* who has not received what is popularly called the *Bachot*, and officially, the degree of Bachelor of Arts.

But because one has one's University papers in order one does not necessarily enjoy the right to practice law. I have already said that *Avocats à la Cour de Cassation*, *avoués* and notaries are Ministerial Officers who hold hereditary privileges. While no such closed door prevents access to the Courts of Appeal and to the subsidiary Tribunals, nevertheless, *les avocats à la Cour d'Appel*, taken as a whole, constitute a legal entity. They have corporate rights. Their administrative and disciplinary powers are recognized by statute. They form a guild. It is known as *L'Ordre des Avocats*. Its origin goes back, like that of another Order, to ancient times.

An official decree dated June 20, 1920, defines the conditions now requisite for admission to the Bar, and by the term "Bar" I mean that of the Courts of Appeal and of all inferior Tribunals. Article 1 of this law provides that all lawyers appearing before the several Courts of Appeal form "*L'Ordre des Avocats*." To be admitted to practice one must:

- (1) be a French citizen,
- (2) be *licencié en droit*,
- (3) formally apply for admission to the Order of Barristers,
- (4) satisfy the *Conseil de l'Ordre*, or governing authorities of the Bar of one's (a) "honorability, (b) dignity and (c) independence of life," and
- (5) take the oath prescribed by law.

It is this creation of a corporate spirit that gives such vitality to the French Bar. It is in no sense a "rubber-stamp" institution. It does not admit unto its privileges every man whose brains may have won for him a college degree. On the contrary, to quote what Appleton says in his work on the "Lawyer's Profession": All of the past of him who seeks admission to the Bar must be laid bare by the *stagiaire* or apprentice who knocks at the portals of the Order. And, during the three years that this probationary period lasts, it is the duty of the Bar Council to keep its eyes riveted upon the fledgling.

So essential is it that the probationer satisfy his lodge that he should be able to earn enough money to maintain the dignity of his profession that his financial status is carefully examined. I am told that this is carried so far that a delegate of the Order visits the home of all apprentices in order to see whether or not the general surroundings are commensurate with what the Bar considers an irreducible minimum.

The corporate powers of the Order are vested in a committee chosen by the Bar and known as the *Conseil de l'Ordre*. It is presided over by one of its members, styled the *Bâtonnier*. He receives his mandate not from this elected body but from the profession itself. The term of office both of the *Bâtonnier* and of the *Conseil* is usually one year, with eligibility for re-election. It is not customary for a President to serve more than two terms. Such details, including that of the length of the commission, are regulated by each Court of Appeal group and not by the decree of June 20, 1920. The size of each Board is automatically established by the number of members attached to a given Bar. The Paris *Conseil* is fixed by law at twenty-one.

This Board exercises complete disciplinary control over the Bar. It may suspend a delinquent or disbar him. Appeals from its decision are taken direct to the Court of Appeal of the district in which the accused practised. I understand that the Bench rarely modifies a decision arrived at by the Bar Council. This means a great deal for I am informed that the committees are inclined to be very severe in their penalties and very exacting in fixing their standards of right and wrong.

The organic law before cited has a holy horror of anything approaching what might be called the commercialization of the Bar. It is, therefore, decreed that no lawyer shall engage in trade, even as a silent partner, or have any accessory occupation for which he receives pay. This principle is carried so far that a Barrister is not permitted to serve on the Board of Directors of a limited company. Cresson, in his "Customs and Rules of the Legal Profession," quotes, with approval, a decision which declared that "it is incompatible with professional duties and dignity" for a lawyer to go to the corporate seat of a company, attend its meetings, draw up its minutes and look over the accounts of the institution before they are submitted to its Bankers.

The Paris Bar does not allow its members to display a sign of any kind. They may not even have a door plate indicating their profession. Until recently they were not permitted to use letterhead stationery. The Bar Council still nails to the cross any man who makes the slightest attempt at advertising. Ambulance chasers are inexorably pursued. No lawyer may bring an action for the payment of a fee unless he obtains the specific authorization of the Bar Council. This permission is very often refused as the general tendency is to look upon an honorarium as something voluntary. It is only granted when the amount claimed is obviously less than moderate and the refusal to pay clearly indicative of bad faith.

Lawyers, when they appear in Court, wear a black gown somewhat similar to, but more formal than that adopted by the American bench. This official attire gives them a distinction which adds to their prestige. But it is their rigorous self-imposed and self-enforced discipline that assures them their abiding influence. They represent a professional élite of educated gentlemen who have high ideals and who live up to them. To be an *avocat à la Cour d'Appel de Paris* or of the most remote provincial center is to stand forth among one's fellows. This modern American idea of a member of the Bar being a President of a Base Ball Club, a High Commissioner of the Movies or a Chewing Gum magnate is not countenanced in France. The French lawyer may be said to have taken Holy Orders. His sacerdotal office is as indivisible as that of any

priest of the Gospel. We, of America, have drifted far from this ideal. We would do well to ask ourselves whether it would not be worth our while to do something towards emulating the high standards set by the Gallic *Ordre des Avocats*.

33. THE SUPREME COURT OF ADMINISTRATIVE JUSTICE

[In the following passage, M. Henri Berthélemy, Dean Emeritus of the Law Faculty of the University of Paris, traces for an English audience the evolution of that remarkable institution of administrative justice, the Council of State, which enjoys among Frenchmen an esteem comparable only to that enjoyed by the Supreme Court of the United States as the highest tribunal in the American federal system.]

Background and Work of the Council of State. (H. Berthélemy, "The 'Conseil d'Etat' in France," *Journal of Comparative Legislation and International Law*, Feb., 1930. Translation by the editor, by whose permission this selection is reprinted.)

Among constitutional combinations the *Conseil d'Etat* of France is one of the most original, and, according to the nearly unanimous opinion in France, the most favorable to good government.

English statesmen have been undoubtedly our masters in constitutional law. The ruling principle of our successive constitutions, namely, the separation of powers, was first set forth in France by Montesquieu. He got the idea from Locke's essays. Locke had taken it from Aristotle. But this rule has been applied in France differently from England.

In England it is admitted that the power of making laws belongs to Parliament, the power of putting laws into execution belongs to the king and to the judges. So, public departments, as well as private business, are under the control of the same courts of justice.

In France, ordinary justice is usually reserved (with important exceptions) for private business. Public departments are independent of the courts of justice to such an extent that some authors consider that there are not only two powers in the State, but three: legislative, executive, and judicial.

We do not accept this way of analyzing the facts. We teach that there are only two powers, legislative and executive; but we add that executive power is divided into two branches: administration and justice; and we think that justice and administration must be independent one of the other. This means that the officials whose functions are to maintain order and peace in the country, and to render us the services that we have a right to expect from the State, must not interfere with the carrying out of justice; and reciprocally, ordinary judges must not interfere (with important and numerous exceptions) with the activity of our prefects. Let each one govern in his own domain, is the motto of our organization.

Probably, the importance of our *Conseil d'Etat* with regard to its management of public business, and the evolution of the institution itself during the nineteenth century, explains the difference between public law in our two countries. This makes the following question doubly interesting: what was exactly the primitive Council of State, and what has become of it under our successive forms of Government?

The Council of State of Napoleon. The *Conseil d'Etat* owes its creation to Napoleon, and to the Abbé Siéyès, who suggested the reform. It is the masterpiece of the consular and afterwards the imperial Government. During the reign of Louis XIV there existed an institution bearing the same name, but not having the same rôle. The royal Council of State might be consulted by the king on important political matters, as is the case today, if I am not mistaken, with the Privy Council in England.

The chief business of Napoleon's *Conseil d'Etat* was the preparation of laws. . . .

Napoleon entrusted thirty picked lawyers with the preparation of the texts, only leaving to the elected *corps législatif* the right of voting (or refusing to vote), no debating being al-

lowed. The *corps législatif* has been compared to a meeting of mutes. Our present parliament in no wise resembles it. The *Conseil d'Etat* alone (controlled by another council which was called *Tribunat*, and has not survived) examined, discussed, decided the proper form of the articles, and so we have old codes that everyone can easily understand. What a pity that the same cannot be said of our modern laws! The participation of the *Conseil d'Etat* in legislative power was only a part of its rôle. It was, besides, entrusted with the power to give the emperor advice when it was requested to do so; namely, when it was necessary to complete laws by regulations in order to make their application more easy, and also when litigations arose between citizens and public officials.

Comité du Contentieux. After 1806 this last function developed to a great extent, and requests became more and more frequent. Then, it was decided that these requests should be drawn up by a special body of barristers appointed for the purpose, called *Avocats au Conseil d'Etat*.

Every request was the object of a careful examination by a *Comité du Contentieux* under the presidency of the Chief Justice. . . .

Reforms of the Conseil d'Etat. On account of the favorable attitude of the public with regard to the maintaining of this system, the *Conseil d'Etat*, which at the fall of the imperial Government lost its legislative rôle, continued to exist as a giver of advice, especially with regard to litigations. This function was reformed and perfected during the reign of Louis Philippe. It was agreed that it would be expedient to give the examination of litigations between citizens and officials the same guarantees as those given to private lawsuits. . . .

Since these reforms were made, one thing only was wanting to the *Conseil d'Etat* to be a perfect court of justice, the power of deciding for itself. As a matter of fact, this was wanting only in theory, the Government following in practice the advice given by the Council.

The last reform was made in 1848; the Council received the power of pronouncing judgments instead of giving advice.

This system, abandoned by Napoleon III, was re-established

in 1872 and became the present *Conseil d'Etat*, the Supreme Court of administrative justice. . . .

Removability of Conseillers d'Etat. The *Conseillers d'Etat*, even when entrusted with rendering justice, are not irremovable. This apparent inferiority of administrative justice with regard to ordinary tribunals has its explanation in the precedents referred to above. To render justice was not among the first functions of the institution.

The *Conseillers d'Etat* became judges in fact by the reform of Louis-Philippe; legally, through the reforms of 1849 and 1872.

But they had already acquired so great a dignity in the State that irremovability could not have added anything to their independence. There is no doubt that the *Conseillers d'Etat*, together with the *Conseillers à la Cour de Cassation*, are the most independent of the French judges, for, being in reality at the head of the hierarchy, they have nothing to fear, but also nothing to expect from the Government. . . .

Functions of the Conseillers d'Etat. For working purposes, the *Conseillers d'Etat* are divided into sections. Four sections are engaged in answering the demands for advice of the different ministers. To these *sections administratives* belong the preparation of the *règlements d'administration publique*—i.e., rules and orders, which are often necessary for the application of our laws.

More interesting is the function of the two sections called *sections du contentieux*. They form the ordinary court of administrative justice, either in having the power of giving judgments, or only in preparing the judgments given by the *Assemblée du Contentieux*.

The chief fact is that this administrative court has jurisdiction on all applications, claims, complaints of every one asserting himself to have been injured in the course of the public service.

We can obtain from the *Conseil d'Etat* the cancelling of all irregular acts, or of acts accomplished by officials without authority, or of acts contributing in themselves abuses or misappropriations of power.

We can obtain from the State, by judgment of the *Conseil*

d'Etat, compensation for every damage resulting from public administration.

We can obtain modification of every administrative operation illegally accomplished. You say: "The King can do no wrong." With another meaning we can say: "The Republic can do no wrong," since every wrong caused by an administrative act entitles the victim to reparation or compensation by the *Conseil d'Etat*. . . .

It must not be supposed that the citizen is less protected if the State should be his debtor and the Council of State his judge, than if the judge should be the ordinary tribunal and his debtor the guilty state servant. It is quite the contrary. The conception of the Council of State with regard to natural justice is much broader than that of our civil jurisdictions.

Our tribunals, following the strict letter of our private law, consider that responsibility is grounded on the idea of fault. . . . If no fault is proved no compensation is to be allowed. Should my window be broken by a madman, I cannot sue the madman for compensation. The deed is considered an accident, just as if I had been the victim of a thunderbolt.

On the contrary, when the responsibility of the State is in question the Council of State takes the risk into account, and not the fault. . . .

We must not forget that we owe these advantages and guarantees of justice to the great institution created by Napoleon, the *Conseil d'Etat*. Administrative law in France, has become, in English terms, a real equity.

34. THE ARGUMENTS AGAINST JUDICIAL REVIEW

[Since the World War there has developed in France a considerable body of conservative opinion favorable to the idea that the French courts should be allowed to pass upon the constitutionality of legislation. The supporters of this thesis, among whom are several of the most eminent jurists in the country, have been disturbed by what they call the "radical excesses" of parliamentary behavior. Consequently they have

invoked the judiciary as an instrument of protection to "individual rights."

There are obvious weaknesses in this thesis. First, the written Constitution of 1875 concerns itself essentially with the machinery and procedure of Government rather than with its substantive powers. Second, the entire field of "rights" and "liberties" is omitted from formal constitutional law. This domain rests upon custom, tradition, and the heritage of famous historic declarations which enjoy no necessary juridical priority over current statutory law. The third objection to the proposal for judicial review in the French system is incisively analyzed by M. Carré de Malberg in the passage reprinted below from his article, "*La Constitutionnalité des Lois et la Constitution de 1875*," in the *Revue Pol. et Parl.*, Nov., 1927. (Translated by the author; reprinted by permission of the *Revue Pol. et Parl.*)]

Article 8 of the Constitutional Law of 25 February, 1875, stipulates that "the Chambers shall have the right, by decisions reached separately by each assembly by an absolute majority vote, either spontaneously or upon the request of the President of the Republic, to declare that there is need to revise the constitutional laws."

This article directly refers to the question as to the extent of the legislative power which belongs to Parliament. Its terms are familiar to all jurists. The significance of this question appears to be as clear and precise as could be desired. . . .

The formula of article 8, construed literally, supports in an incontestable manner this double idea: On the one hand, Parliament alone is capable of judging whether any legislative proposal submitted to its deliberations contains within itself a modification of the Constitution, and whether, consequently, the convocation of a National Assembly at Versailles is necessary. On the other hand, inversely, the courts may not attempt the appreciation of the constitutionality of legislation, seeing that . . . "they are without competence to apply and interpret the

Constitution." The interpretation of the Constitution, according to article 8, belongs to and obligates Parliament alone. . . .

At the same time, article 8 reduces to nothing the argument by analogy—so impressive at first glance—which is invoked by the partisans of judicial review from the power of the judges to pass upon the legality of ordinances [*réglements*]. Between the case of an ordinance whose legality is questioned and that of a law whose constitutionality is contested, there is no possible analogy. That the judiciary, which, in a specific situation finds itself faced with an ordinance in conflict with existing legislation, can and should make the law prevail over the ordinance, goes without saying. The reason for this is that the judiciary has the competence to apply the totality of, and to interpret if necessary, both ordinances and laws. No court which is doubtful as to the constitutional validity of a legislative enactment may undertake to investigate whether the law conforms to the Constitution; for, although it is responsible for applying laws, it is by no means permitted to apply the Constitution or to determine its meaning in case of controversy; at least it does not have this power as regards the legislator. Article 8 prevents judges from entering afresh upon questions of constitutionality once they are decided by vote of Parliament. . . .

It may be observed that the Constitution of 1875 makes no mention of the judiciary. The judicial authority possesses a certain independence with regard to the Executive: witness its power of control over ordinances, of whatever nature, even if they affect the juridical status of private individuals. Alongside Parliament, the judiciary must not be regarded as a third authority, equal or even comparable to the former, because emanations of Parliamentary will in the form of laws are endowed with a formal validity which, by sheltering them from all jurisdictional discussion, render them untouchable by the courts.

It is against this régime of the absolute legislative supremacy of Parliament, singularly shocking to all those persons who cherish the sentiment of a "State of Law" and who aspire to assure its integral realization in order to protect individual rights,

—that are directed today, in France and elsewhere, efforts to limit this enormous legislative power by instituting a judicial control over the constitutionality of laws. But, precisely because these efforts have as their object the transformation of our parliamentary system, such as it results from the positive terms of article 8, it is manifest that the contemplated reform may not be effected by way of jurisprudence. . . . The truth is that, in order to extend the régime of a "State of Law" to Parliament itself and its legislative power, one must proceed by way of constitutional amendment; and such an amendment would have, in particular, to change article 8 itself.

VII

THE CONDUCT OF FOREIGN RELATIONS

35. PARLIAMENT AND THE CONTROL OF FOREIGN POLICY

[The means of control over foreign policy which the French Parliament possesses are in general the same as with respect to domestic policy. These include the money-granting power, written and oral questions, hearings held by its foreign affairs committees, and general full-dress debates on ministerial proposals and interpellations, leading to votes of censure or confidence. Control may be exerted *prior to action*, *during the course of negotiations*, or *after action has been taken* by the Government. Whatever the stage at which the intervention of the legislature occurs, the political responsibility of the executive is naturally involved. Many a French cabinet has crashed on the perilous rocks of diplomacy.

The first document reproduced below is the text of a speech made by Premier Laval opening the debate on his part in the "famous" Hoare-Laval peace proposals to Italy during its dispute with Ethiopia. Public opinion both in Britain and in France having already condemned the proposals to death, M. Laval was seeking to justify his course *ex post facto*. Only after prolonged debate, during which he was vigorously attacked by the Left and the moderate Right, was he able to secure a luke-warm vote of confidence from the Chambers.

The second document illustrates the operation of Parliamentary control *prior to action* by the executive. It consists of the first general declaration on foreign policy presented by

the Blum Government to Parliament after the former had come into power in June, 1936. This declaration, which presents in detail the orientation of French foreign policy eighteen years after the World War peace settlement, was made for the triple purpose of explaining to the legislature what the objectives of the new Popular Front Government were, securing a mandate from Parliament to proceed, and obtaining an index to the popular reaction to these objectives. In the Senate the ministerial declaration was read by Premier Blum; in the Chamber, by M. Yvon Delbos, the Foreign Minister. The Chamber closed its debate late the same evening by voting, 392 to 198, its confidence in the Government's proposals.]

Laval's Report to the Chamber on the "Hoare-Laval Proposals"
(as reported in the *New York Times*, 29 December, 1935).

Ten days ago I laid before you the circumstances in which the French Government, anxious to put a rapid end to the Italo-Ethiopian conflict, considered it right to seek with the British Government conditions for a friendly settlement.

I pointed out how this initiative originated in instructions given to the two governments. I recalled that it was in conformity with the principles and spirit of the covenant of the League of Nations. I noted finally that, having come to the end of our mission, all that was left for us to do was to hand it over for the appreciation of the two governments directly interested and the decision of the League.

Since then grave events have happened. Sir Samuel Hoare has resigned and the British Government has regarded as dead, according to its own expression, the Paris proposal drawn up with Sir Samuel.

The Ethiopian Government was concerned at the extent of the sacrifices to which it would have had to consent. The Italian Government did not give to the examination of the suggestions either the speed or the comprehension that we were within our right to expect.

I would add that certain speeches have not facilitated our task.

These are events that I regret have not improved the situation. They have raised grave problems about which it is my duty to explain my views. The essential question that arises is to know whether or not the policy that I have pursued is conformable to the interests of my country. (Premier Laval said "My country," but when a large section of the Chamber protested he changed the words to "Our country.")

That is the only issue that should be examined before the French Chamber.

I do not regret the efforts that I have made. Some day peace must be established. What matters is to know whether I have failed in the engagements that France has taken toward the League and whether I have compromised our security for the present and for the future.

I have shown that our respect for the covenant lies not in words but in deeds. I have not failed in our engagements at any moment, either in Geneva or elsewhere. As the representative of a great free country I have discussed with the other members of the League the methods to be followed for the punishment of aggression and I have never put any obstacle in the way of any measures that have been proposed.

All these measures, however disagreeable they may be, have received loyal and strict application by this country.

In the execution of Paragraph Three, Article XVI, of the covenant I did not hesitate to commit France toward Britain in an engagement to give aid on the sea, on land and in the air if she should be attacked by Italy while applying sanctions.

The declaration I made then to the Ambassador of Britain I have confirmed since then in Paris to Sir Samuel Hoare himself for the dissipation of all misunderstanding that may exist on this subject in international opinion, and I here renew it publicly.

I feel that I have assumed heavy responsibilities. They are, moreover, an unavoidable consequence of the covenant. They have imposed upon me the duty to do everything to improve the atmosphere between Britain and Italy.

Why should I not admit my fear, my dread of incidents, such as history has so often given us, which might drag our country into war and which I have done everything to avoid?

The more vigorous the obligations to which the covenant bound us were the more I have felt myself bound to do everything to reach a pacific settlement. That is the explanation of my patient efforts to bring a rapid end to a conflict that might spread to ourselves.

It was under the influence of these pre-occupations that Sir Samuel Hoare and I examined the question of an oil embargo. We then saw the full extent of the danger.

(M. Laval then quoted Sir Samuel's speech in the House of Commons on this point.)

With Sir Samuel I sought the best means of defending while safeguarding peace within the framework of international institutions and the interests of our two countries. We judged the proposals that have been considered excessively reasonable. Furthermore, they were not intangible.

Sir Samuel explained that to the House of Commons in moving language with a dignity that did him honor and compelled the admiration even of those who judged him most severely. He defended our common work.

What will happen tomorrow? It is understood that the Paris proposals are dead, but the road of conciliation remains open.

The League Council has met. It has reconvened the Committee of Thirteen, which has resumed its task. Will the Committee of Co-ordination, which, after having decided upon measures of economic pressure, had been charged to see to their application, enlarge the field of its activities?

May I be permitted to recall that severe measures already have been taken in the financial and economic domains? Who will say that they are ineffective? And who will guarantee that if they are extended it will not be at the risk of widening the conflict?

Some say that all that matters is that international law be respected, by that law was made to prevent war to the limit of its effects and not for its generalization.

(M. Laval then quoted Sir Austen Chamberlain's statement in the House of Commons that sanctions were only a means and not an end and that without negotiations the terms of the covenant could not be fulfilled.)

I am asked, too, whether I do not fear that some day I may have to regret having limited the mechanism that might be put by other countries at the disposal of France to aid or protect her against aggression.

This is the most serious charge made against us. Is it well founded?

Here I am touching on a delicate subject: theoretically the League should find its force in its universality; in fact, this universality has never been fully realized and we have all in mind the circumstances in which two great states, Germany and Japan, successively withdrew from the community.

Thereby the execution of the task imposed upon the Geneva institution has become much heavier. Nevertheless, this is no reason why the very principle of such universality should be contested.

But in the most immediate practice the League would condemn itself to failure if it refused to appraise its possibilities. Indeed, it has never failed to do so; it has always proclaimed that side by side with general obligations there are varying methods of application.

It was in Geneva that the formula for the method of regional pacts was conceived and recommended. Is not the object of these pacts precisely to organize in advance mutual assistance limited to especially sensitive zones?

In default of accords of this kind the automatic application of Article XVI will always remain a hazardous and restricted application. Such is the fact.

The League's action in the present crisis may have met and may again meet difficulties without enabling any valid conclusion to be drawn therefrom against the principle of collective security itself.

Today it is a question of insuring respect for international law by the cessation of a conflict that prejudices the interests of the community of nations and that can benefit only enemies

of peace. It is a question of sparing Europe the prolongation and aggravation of a crisis in which its equilibrium—already unstable—would risk being irremediably compromised.

It is essential to tackle the task without in any way injuring the League's principles and without in any way weakening in the future the juridical bases of our mutual guarantees.

I have recalled facts. I have evoked principles. I have failed in none of our obligations.

To the argument made against me of lack of agreement with the British Government I reply that as between the two great democracies frank explanations can only fortify that close collaboration that is indispensable for the safeguarding of peace.

No one can deny—myself less than any one else—that Franco-British co-operation is an essential element of European security.

I have not failed in this co-operation. I have in no way injured the solidarity that binds our two countries and I do not dream—in reply to those who attack me—of finding a grievance in the fact that Great Britain has finally rejected the proposals established in common in Paris with the British Secretary of State.

I have taken initiatives that I do not regret, since their object was to end the conflict. My determination is not weakened because they did not succeed. Other attempts will have to be made which may not be more successful.

Discouragement is not permitted to me. Come what may, I will persevere in fervent, unwearying action in favor of peace.

The Blum Government's Declaration on Foreign Policy, June, 1936 (as reported in the New York Times, 24 June, 1936).

On the eve of the international meetings that are about to open the Government owes the Chamber and French opinion explanation of the general principles that will dominate its acts as well as the decisions it has taken regarding problems of immediate import. In the international field as in all others our policy will be a frank one.

We should not fulfill the mandate we have received from the country if we did not proclaim at the outset the country's will for peace. A people that has given so many proofs of its courage

can manifest that will without fearing that it may appear as a sign of abandonment.

It can do so all the more because never has it possessed more real and efficacious force with which to assure its defense, uphold its commitments and collaborate toward the necessary strengthening of collective security.

Fears must now be dissipated that may have been felt momentarily by those who saw nothing but disorder in the gestation of the new order of things. A salutary ferment has come to stimulate our national energies. That great effort of social justice and human emancipation that is in process of accomplishment exalts the patriotism of laboring masses in that very measure in which, the homeland having become more than ever the possession of all, they feel closer solidarity in its destinies.

Such an evolution, pursued in civil peace with the active collaboration of both houses of Parliament, cannot but increase that authority that is necessary for our international action. Is there need for adding that we appeal for support in this task to a unanimous France and Parliament as a whole without class or party distinctions?

The peace that we intend thus to defend is not a conditional peace subordinated to political affinities or antagonisms. We desire that peace for all people and with all peoples, knowing that it is indivisible and that none would be safe from the conflagration that would flare up if vigilance on the part of the pacific nations were not ever-present and ever-active. We intend to reach no other crusade than that whose object is a reconciliation of peoples without any exclusion. Propaganda or struggle for or against such a political or social system must not become pretexts for war.

Neither do we want a timorous peace under the law of the mightiest nor a passive, egotistical peace based on self-sufficiency. Our will for peace is too sincere not to be active.

For that reason we wish to proclaim very clearly our fidelity to the League of Nations. The trials through which it is passing, far from turning us away from it, stimulate our resolve to strengthen it by a more efficacious organization of collective security, which calls for two conditions—respect for international

law and contracts and a restoration of mutual confidence shaken by too many shocks, disappointments and fears. We desire to contribute to their restoration by evidencing our good faith and loyalty.

It is in that spirit that the Government studied a problem brought to its examination in the most pressing manner—that of the sanctions taken regarding Italy. France associated herself with those sanctions despite the affinities binding her to the Italian people. It is in her traditions always to face her obligations, always to fulfill her duties of justice and humanity.

The League of Nations Council had unanimously recorded an act of aggression, France could not fail in the fidelity she owes to the Geneva covenant, that common law and common safeguard of nations organized for the maintenance of peace.

Assuredly none expects of us, after the Ethiopian defeat, that we should overwhelm the vanquished by renouncing these sentiments. But in the present state of things, the maintenance of sanctions would be only a symbolical gesture without real efficacy. To what purpose, therefore, perpetuate measures whose character would be aggravated by the very fact that it is no longer possible to set for them any definite objective?

It was in such conditions that last Friday we made public our opinion, assured, as we were, moreover, of being in accord with those friendly peoples from whom we do not wish to separate our action.

The raising of sanctions is accompanied by other problems the solution of which will call for negotiations that should result in the consolidation of peace.

Peace can be consolidated only by strengthening the security of nations. It is to that strengthening that we shall consecrate all our efforts. We do not deem it opportune in the present circumstances to propose too vast or too ambitious a plan. Moreover, general reform of the covenant is not justified if one takes the trouble to reflect its failures are much attributable more to mistakes and weaknesses in execution than to the prescriptions that it stipulates. Furthermore, in the present frame of mind, such reform would risk being carried out on the lines of least resistance.

Neither do we believe it advisable to have recourse to the interminable procedure provided by amendments. We prefer interpretative texts, bringing without delay precise and efficacious corrections inspired by the lessons of experience.

If the mechanism of collective security is proved insufficient, it is not the covenant's fault; it is because the covenant has been applied tardily and in an incomplete manner. You cannot compromise with war; exclusive recourse to economic sanctions progressively applied cannot stop a conflict already in progress.

In order to repress aggression, it is essential to put into operation as soon as possible the maximum means that the international community has at its disposal. In order to assure efficacious application of the covenant's Article XVI the ideal method would be for all members of the League of Nations to undertake to apply in all circumstances forcible means against an aggressor.

But for the moment it would be chimerical to hope for such total assistance on the part of peoples not directly interested in a conflict.

For this reason collective security must have two aspects. First, a group of powers—whether that group originates from a given geographical situation or from a community of interests—must be ready itself to employ all its strength against an aggressor. This being assured, the entire collectivity of the League of Nations must obligatorily apply economic and financial sanctions.

Such regional accords of mutual assistance, conceived for the purpose of peace, will constitute threats against no one. They must never become alliances as in the past. Open to all, their workings must always depend on a decision taken by the Council of the League of Nations.

But it is not sufficient to stop an aggressor by the application of Article XVI, thus re-enforced. The essential aim of collective organization is to prevent aggression. But the means of prevention at the disposal of the League of Nations are still insufficient.

The manner in which the principle of unanimity inscribed in

the covenant has been interpreted at Geneva paralyzes the application of Article XI. It is not admissible, it is contrary to common sense, that a State whose action has created a threat to peace should by its vote be able to paralyze the action of the community.

So long as Article XI of the covenant is interpreted thus, the Council of the League of Nations will be powerless to prevent the preparation of a conflict, and the eventual aggressor will have every leisure to choose his time. The French Government proposes to put an end to this paradoxical situation.

We do not intend for a moment to present a vast program in this domain. What is most urgent must be first attended to, and at this time, when in all Europe the feeling of insecurity is increasing, it is necessary to re-establish among all peoples of good-will confidence in the collective system which has been so rudely damaged.

During the next months the negotiation of regional pacts should be hastened and this government will not overlook any effort in this direction.

The reasons that recommend the conclusion of a pact between all the Danubian States, to which perhaps their memories are apposed, but to which their real interests draw them, are more valid than ever. This pact should be open to all the powers of Central Europe and should be directed against no one of them. We ourselves are interested by the bonds of affection that unite us to the Little Entente.

It is not less necessary to associate all the Mediterranean powers from Spain to the Balkan Entente in an agreement that will bring them the guarantee that no hegemony can be set up in that sea whose bordering peoples are linked by a common civilization.

As for Western Europe, we wish that an agreement may be reached the conclusion of which will put an end to the crisis precipitated on March 7 (when Germany reoccupied the demilitarized Rhineland zone), but this conclusion does not depend on ourselves alone.

Meanwhile, as the representatives of Belgium, France, Great Britain and Italy recognized at London on March 19, the

Locarno pact continues with its obligations and the guarantees it lays down for our defense and for that of Belgium.

To these tasks we are conceived Italy will lend her necessary collaboration. We shall be happy that her efforts should join cordially with ours and with those of other interested powers.

In our effort for the reconstruction of collective security, we have no doubt as to the unreserved support of the British democracy, which is united with the French democracy by so many common memories and efforts. We hold to this all the more because the close and confident co-operation of our two countries is an essential guarantee of peace in Europe.

France counts beyond the Atlantic on the cordial sentiments of the American democracy, a natural friend of free nations. She is assured of the powerful help of our friends of the Union of Soviet Socialist Republics to whom we are united in a pact of mutual assistance open to all, which has been made in a common concern for peace.

Franco-Polish friendship will receive a new consecration in a cordial and direct search for better formulas of co-operation between the two peoples. With Belgium, Rumania, Czechoslovakia and Yugoslavia France feels herself united by close intimacy of thought and heart as much as by treaties. Their security constitutes an element of our own security, just as our security is an integral part of theirs.

We count also for the great task that is to be accomplished on the Balkan Entente, on the Spanish democracy and on all the peoples that, from Portugal to the Scandinavian States with the Netherlands, have given such pledges of fidelity to the League of Nations.

The parties now united in the Popular Front have always fought for a Franco-German entente. Jaurès paid with his life for his passionate action for peace. Briand knew calumny and outrage for having wished that the Rhine should unite instead of separate France and Germany.

We applauded the London accords negotiated by Herriot, which made Locarno possible. We regret nothing of the action we have pursued for fifteen years. We are resolved to continue it further in security and honor to both peoples. On different

occasions Chancellor Hitler has proclaimed his wish for an understanding with France. We do not for a moment intend to question the word of a former combatant who during four years experienced the misery of the trenches.

But, however sincere our wish for an entente, how can we forget the lessons of experience and the facts?

German rearmament is developing with a rhythm that is quickening daily. On March 16, 1935, Germany repudiated the military clauses of the Treaty of Versailles in conditions that certain errors invoked by her did not suffice to justify. On March 7, 1936, she violated and repudiated the Rhineland pact of Locarno which had been freely signed by her and which Chancellor Hitler had several times declared constituted an essential guarantee of European peace.

Since that date the situation has remained serious: On March 19 the Locarno powers submitted to Germany a plan containing concrete proposals that should serve for the inauguration of a new security agreement; on March 24 Germany presented counter propositions that rejected the whole system of agreement founded on mutual assistance in the relations of Germany with her neighbors other than the Locarno powers; on April 10 the Locarno powers, anxious to try all means of conciliation, charged the British Government to elucidate a certain number of points contained in the German memorandum. That was the object of the British questionnaire handed to Berlin on May 6.

To that questionnaire the Reich has not yet replied. Will it do so tomorrow? In any case the French Government will examine the German suggestions with a sincere desire of finding in them a basis for agreement. But this agreement cannot be realized unless it accords with the principle of indivisible peace with menace against none.

The evolution of Franco-German relations is closely bound up with the success of the efforts in the international work of disarmament, which is also subordinate to guarantees of collective security. The disappointments that have marked the checks of the Geneva conference have not discouraged the French people. They realize that a race of armaments leads fatally to war;

they wish by collective effort to put an end to this rivalry and to make possible progressive, universal disarmament controlled by the community of nations.

It is the duty of the government, without at any time neglecting any necessities of national defense, to draw all nations with it along this road. In that way it would reply to the wishes of the French people and to the deepest and most justified aspirations of mankind; it would, it knows, interpret the ideas of the veterans of the Great War who, after having been faithful to their duty during the struggle, are today fraternally united across their frontiers in the higher duty of trying to spare the world such another dreadful catastrophe.

To put an end to the mystery that surrounds the armaments race and to prevent the surprises that it is preparing the government will demand first of all preventive publicity and control of the manufacture of war material by a permanent international commission sitting at Geneva. It will propose reconsideration in a second reading of the project voted by a majority of States in April, 1935.

Now in laying before Parliament a bill for the nationalization of the manufacture of war material it will mark its determination to prepare France to assume in the national field all the responsibilities of control that are entailed in this international system.

This control and this preliminary publicity are, however, only the first step which must be quickly transcended. The government will join with complete loyalty in all measures taken unanimously for the control, limitation and reduction of armaments, and it will seize every opportunity to take the initiative.

Since the month of February, 1935, the question of an aerial pact of mutual assistance between the Western powers, which to be effective should be completed by an agreement for aerial limitation, has been raised by the British and the French governments acting together.

Despite all our efforts the negotiations have not progressed, the German Government having until now delayed its reply. In its last memorandum it showed that it still in principle was in favor of the conclusion of this pact, but did not say if in its idea

the pact should receive the necessary completion of a limitation agreement. A question on this subject has been addressed to it by the British Government and a reply is awaited.

It is unnecessary to say that to end the armaments race, which in the realm of the air is becoming more and more precipitate and is weighing on the whole European civilization, a limitation agreement is highly desirable. France, on her side, is ready to enter such an agreement, whether only Western air forces or the whole of European air forces are concerned.

To establish a balance sheet of the general economic situation, of the needs of nations and of the measures that should be taken to restart business, we shall ask for the convocation of the Commission of Study for a European union that was created by Aristide Briand. This commission includes all European States, whether members of the League of Nations or not. Germany could therefore participate and make suggestions the same way as at the beginning the Soviet Union did, although then not a member of the League.

Gentlemen, however tenacious our effort may be, the task set for us is bound to be of long duration. The work accomplished at Geneva will depend first of all on the wills of governments and peoples. We must defend a patrimony that is not only French but human—that of the free expression of those wills, that of the progress of democratic institutions in order and liberty. If these possessions and ideals are not supported by a strong and resolute France, the shadow of doubt will hang over the world.

But all men who today sit on the government bench are united in the common thought that the state of armed peace, which is the generator of catastrophes, should be temporary, that every effort should be made to shorten its duration and that the security of peoples cannot be assured otherwise than by collective organisms and the international community.

With every indispensable prudence, peoples must be led toward a state of disarmed peace in which the universal conscience will raise automatically against any aggressor all the material and moral forces of pacific peoples, which have been methodically organized in advance.

In drawing up this line of conduct, this government remains faithful to the constant policy of those who at this tribune have always proclaimed that the interests of peace are inseparable from those of France. It wishes to animate this constructive effort with all the force that the French people have given their representatives for the organization in the international domain, as the national life, of the future of justice and humanity.

To the construction of this future we shall consecrate, with the support that we expect from you, all our activity.

We shall not commit the imprudence of proportioning now to our hopes the state of our defensive forces, which must always be kept at the level of the immediate necessities of national defense. So long as the armaments race has not been stopped, so long as international mechanisms have not given proof of their effectiveness, the duty of France toward herself, as toward her friends, is to remain armed in a measure to discourage all aggression.

But we summon to international collaboration all governments and all peoples who are devoted to peace, who think that it should be founded for freely signed engagements, who wish to substitute for transformation of the world by violence its evolution under the aegis of justice and international morality—all those who, like ourselves, are determined to accept in common all the charges and all the responsibilities of collective security because they see therein, as we do, the best guarantee of national security.

36. PARLIAMENTARY CONSENT TO THE RATIFICATION OF TREATIES

[Under the Constitution of the Third Republic, the Executive has the power to negotiate, sign, and ratify treaties on its own authority. There are, however, several exceptions to this general rule. Certain types of treaties require the prior consent of the two Houses of Parliament to ratification. Included in the list are treaties of peace, commerce, and extradition, and those involving the finances of the country, the property rights of Frenchmen abroad, and the annexation, cession, or exchange

of territory. Although treaties of alliance may be ratified without first securing formal consent from Parliament, the French Government frequently submits such treaties to the Chambers anyway, with a view to securing a broader basis of support for engagements which may profoundly affect the future security of the nation.

This was the case with the treaty of mutual assistance signed by France and the Soviet Union in May, 1935. The text reproduced below illustrates the form in which the consent of Parliament to the ratification of this agreement was given nearly a year later.]

Law Authorizing Ratification of the Franco-Soviet Mutual Assistance Pact (Journal officiel, 18 March, 1936).

The Senate and the Chamber of Deputies having adopted it,
The President of the Republic hereby promulgates the law which follows:

The President of the Republic is authorized to ratify, and, if necessary, to cause the execution of the treaty and protocol signed at Paris between the Union of Socialist Soviet Republics and France on 2 May, 1935.

An authentic copy of these accords shall be annexed to this law.¹

The present law, debated and adopted by the Senate and by the Chamber of Deputies, shall be executed as a State law.

Done at Paris, 16 March, 1936.

Albert Lebrun.

By the President of the Republic:

The President of the Council,

Minister of the Interior,

Albert Sarraut.

The Minister of Foreign Affairs,

P.-E. Flandin.

¹The text of these accords will be published in the *Journal officiel* at the same time as the decree of promulgation.

37. PUBLIC OPINION AND FOREIGN POLICY

[Only within the last few years has radio broadcasting been employed by the French Government as a means of acquainting the public with official policy. As late as 1934 there were only thirty-five private receiving sets per each 1,000 of the population in France, in comparison with over 100 in Great Britain and the United States. Nevertheless, the French radio is now rapidly becoming an important instrument for the dissemination of political news and propaganda.

During the "crisis" in Franco-German relations which was precipitated in March, 1936, by Hitler's denunciation of the Locarno agreements and the marching of German troops into the "demilitarized" area of the Rhineland, the French Government turned to the radio for the purpose of explaining to the country how the Government proposed to handle the situation. It also appealed to public opinion for a united front against Germany. The popular reaction to such broadcasts can have considerable influence on the Quai d'Orsay's subsequent course of action in foreign affairs.]

Premier Sarraut's Radio Appeal to the Nation on the Rhineland Crisis (as reported in the *New York Times*, 9 March, 1936).

After the World War we wished to place France beyond the menace of a new invasion. Several ways were open. We could have used the ordinary method of giving our country frontier security by annexing the adjacent territory. But this would have been a violent shock to German peoples, who had the right to remain German.

By permanent occupation we could have created regions ahead of our borders which would have placed the national territory beyond the pale of an adversary. But we discarded such a system since it would have imposed painful tax burdens on the Rhineland populations.

We decided, therefore, that the German territories on the left bank of the Rhine be demilitarized to the extent of fifty kilometers from the right bank of the Rhine. Germany would not maintain troops in that zone nor would it fortify any part of it.

Moreover, to assure the execution of the treaty—during fifteen years, that is, until 1935—it was decided that allied troops would occupy the Rhineland region. The occupied zone was progressively reduced. It was obvious that from the moment friendly relations were reached between France and Germany occupation would disappear.

It was for the precise purpose of improving these relations that the German Government itself took the initiative in the negotiations, which were concluded in 1925 in the Locarno pact.

By this treaty, which was the result of long negotiations among the French, Germans, British, Belgians, and Italians, an elaborate procedure was provided with which difficulties might be regulated by conciliation and arbitration.

These difficulties might come up between France and Germany, or between Germany and Belgium. The pact was placed under a guarantee by Great Britain and Italy, who, after proper recourse to the League of Nations Council in case of a violation, would decide what kind of help they would extend to the nation threatened with invasion.

Progressively the liberation of occupied territory anticipated for 1935 was accomplished in 1930. The Locarno treaty was then sufficient. In approving evacuation five years ahead of time, France gave a striking proof of its desire to improve the relations between the two countries.

Nevertheless, the German Government declared itself incapable of meeting its reparations obligations and thus threw upon us the burden of much of the expense involved in reconstruction of the devastated regions.

But the wounds of war healed little by little. We forget, and our former soldiers also were asked generously to forget the past.

The Germans continued to complain, nevertheless. Experience, however, had rendered our people prudent, for they have

too many times been the victims of deception. Moreover, in recent years, the acts of Germany have been in singular contrast with its promises.

Germany continued to assert it was animated only by the most peaceful intentions. Yet Germany quit the disarmament conference with a spectacular flourish and later broke with the League of Nations.

The next year it re-established obligatory military training and, at the cost of gigantic effort and heavy sacrifice, reconstructed its grand army in the shortest possible time.

In vain Paris attempted to induce Germany to take its place in the European collective security system. For the last six months we have vainly urged Germany to take part in an air pact. No matter whether offers came from Paris or London, Germany evaded them just the same.

Since the end of January the Government over which I preside, like the Government that preceded it, has given ample proofs of its desire to negotiate with Germany toward liquidation of an accumulation of problems. The Foreign Minister made this clear in the Chamber of Deputies.

Only a few days ago, on Feb. 28, a Parisian newspaper printed an interview with Chancellor Adolf Hitler containing a pathetic appeal for reconciliation between the two countries. Although it was somewhat vague, it did attract the interest of the Government.

The next day instructions were sent to the French Ambassador in Berlin urgently to demand of the Chancellor that he stipulate precisely on what basis a new relationship could be set up—a goal that France wanted as much as Germany.

Ambassador André François-Poncet performed this task immediately. In the presence of the German Foreign Minister, Baron Constantin von Neurath, M. François-Poncet was told that definite proposals would soon be forwarded to the French Government. The German Government even requested that the visit of the French Ambassador be kept secret.

The French Government assented to this request.

It was only yesterday that the news was made public for the first time. We awaited the arrival of those precise and

definite proposals that were to permit us to ascertain the nature of this gesture and the friendly method by which better relations could be accomplished.

It was in view of this situation that the French Ambassador was summoned to the Reich Foreign Ministry and the memorandum given him yesterday morning by which the German Government repudiated unilaterally the treaty of Locarno and announced its intention of immediately putting its decisions into effect.

In order to justify itself, it invoked the Franco-Soviet pact of mutual assistance and gave it an entirely false interpretation. Although France has consistently refuted the charge, Germany contended the pact was incompatible with Locarno. This shows beyond doubt that the contention was only a vain pretext by Germany.

It was only shortly after the signing of the pact by former Premier Pierre Laval that Chancellor Hitler said in a speech on May 21, 1935, that the German Government viewed the demilitarized zone as a contribution to European peace.

The French Government has for more than a year submitted the Franco-Soviet treaty to the approbation of others and received unanimous confirmation that it was no violation of Locarno. But what does that mean to Germany?

In fact, Ambassador François-Poncet asked if the repudiation of such a solemn pact really constituted Germany's reply to those definite proposals for improved relations. He was informed that it was indeed on these proposals that negotiations for improved relations might prove fruitful and that it was, in effect, the reply of the German Government to France's recent representations.

Putting its promises into effect, armed detachments, which had already attained the extent of several divisions, entered the Rhineland. That is the situation before which the German Government wished to place us.

Germany, having violated her engagement, proposes to contract new ones. I would not examine these proposals for two reasons.

First, because the double example that Germany has given a year apart of unilateral repudiations of solemn contracts is not calculated to give us confidence in her new proposition.

The second reason is yet more clear. In contempt of the most definite law, Germany sent large forces into the demilitarized zone without previously displaying an intention of freeing herself from obligations or even seeking to negotiate.

There can be no peace in Europe, there can be no international relations, if this method becomes general.

The French Government, for her part, is well resolved not to negotiate under menace. The single fact that in contempt of solemn engagements German soldiers are installed on the banks of the Rhine forbids negotiations for the moment.

I declare in the name of the French Government that we intend to see maintained the essential guarantee of French and Belgian security, constituted by Locarno and countersigned by the British and Italian Governments.

We are not disposed to allow Strasbourg to be under the fire of German cannon.

38. REPRESENTATION IN THE LEAGUE OF NATIONS

[As a charter member and active supporter of the League of Nations, the Government of France maintains continuous representation in the official organs of the Geneva institution. Since the death of Briand, M. Paul-Boncour has served as permanent French delegate on the Council of the League, although for certain unusually important meetings he has been temporarily replaced by the Foreign Minister then in office. For each session of the Assembly the Government appoints three titular and three alternate delegates. The delegation invariably includes the Foreign Minister, and not infrequently the Prime Minister as well. Heads of the foreign affairs committees of the two Houses of Parliament are sometimes designated as alternates or advisers to the delegation.]

Appointment of the French Delegation to the 16th Assembly of the League of Nations (Journal Officiel, 28 June, 1936).

The President of the French Republic,
Upon the recommendation of the Minister of Foreign Affairs,
Decreases:

Article 1. The following are appointed delegates of France to the 16th Assembly of the League of Nations (session of 30 June, 1936):

M. Léon Blum, Deputy, President of the Council.

M. Yvon Delbos, Deputy, Minister of Foreign Affairs.

M. J. Paul-Boncour, Senator, Permanent Representative of France on the Council of the League of Nations.

Article 2. The following are appointed alternate delegates:

M. Paul Faure, Minister of State.

M. Henry Bérenger, Ambassador, Senator, President of the Foreign Affairs Committee of the Senate.

M. Jean Mistler, Deputy, President of the Foreign Affairs Committee of the Chamber.

Article 3. The following is added to the list of deputy delegates designated by the decree of 3 September, 1935:

M. Léon Jouhaux, Secretary General of the General Confederation of Labor.

Article 4. The present decree confers powers and titles of mission to delegates, alternate delegates and deputy delegates.

Done at Paris, 27 June, 1936.

Albert Lebrun.

By the President of the Republic:
The Minister of Foreign Affairs,
Yvon Delbos.

VIII

LIBERTY AND DEMOCRACY

39. "LIBERTÉ, ÉGALITÉ, FRATERNITÉ"

[One of the most cherished heritages of the great French Revolution of 1789 is the famous Declaration of the Rights of Man and Citizen which proclaimed as inviolable certain "fundamental" liberties of Frenchmen. The principles contained in this Declaration are substantially the same as those which constitute the "bills of rights" to be found in most American state constitutions and in the first ten amendments to the American Federal Constitution.

In the present French Constitution, curiously enough, there is no bill of rights. The failure to incorporate any such declaration in the organic law of the Third Republic was due in part to the fragmentary process by which the document was formulated, in part, also, to the fact that the great principles of 1789 had become so deeply imbedded in the previous constitutional law and custom of the country that it was not thought necessary to restate them in 1875. In applying statutory law, French courts give due weight to the restrictions on governmental interference with personal and property rights laid down a century and a half ago, although in the absence of formal judicial review it falls mainly to Parliament to interpret their meaning for the 20th century.]

Declaration of the Rights of Man and Citizen (26 August, 1789).

The representatives of the French people, organized in National Assembly, considering that ignorance, forgetfulness or

contempt of the rights of man, are the sole causes of the public miseries and of the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that this declaration, being ever present to all the members of the social body, may unceasingly remind them of their rights and duties; in order that the acts of the legislative power and those of the executive power may be each moment compared with the aim of every political institution and thereby may be more respected; and in order that the demands of citizens, grounded henceforth upon simple and incontestable principles, may always take the direction of maintaining the constitution and welfare of all.

In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and citizen.

1. Men are born and remain free and equal in rights. Social distinctions can be based only upon public utility.

2. The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The source of all sovereignty is essentially in the nation; no body, no individual can exercise authority that does not proceed from it in plain terms.

4. Liberty consists in the power to do anything that does not injure others; accordingly, the exercise of the natural rights of each man has no limits except those that secure to the other members of society the enjoyment of these same rights. These limits can be determined only by law.

5. The law has the right to forbid only such actions as are injurious to society. Nothing can be forbidden that is not interdicted by the law, and no one can be constrained to that which it does not order.

6. Law is the expression of the general will. All citizens have the right to take part personally, or by their representatives, in its formation. It must be the same for all, whether it protects or punishes. All citizens being equal in its eyes, are equally eligible to all public dignities, places, and employments,

according to their capacities, and without other distinction than that of their virtues and their talents.

7. No man can be accused, arrested, or detained, except in the cases determined by the law and according to the forms that it has prescribed. Those who procure, expedite, execute, or cause to be executed arbitrary orders ought to be punished; but every citizen summoned or seized in virtue of the law ought to render instant obedience; he makes himself guilty by resistance.

8. The law ought to establish only penalties that are strictly and obviously necessary, and no one can be punished except in virtue of a law established and promulgated prior to the offense and legally applied.

9. Every man being presumed innocent until he has been pronounced guilty, if it is thought indispensable to arrest him, all severity that may not be necessary to secure his person ought to be strictly suppressed by law.

10. No one should be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by law.

11. The free communication of ideas and opinions is one of the most precious of the rights of man; every citizen then can freely speak, write, and print, subject to responsibility for the abuse of this freedom in the cases determined by law.

12. The guarantee of the rights of man and citizen requires a public force; this force then is instituted for the advantage of all and not for the personal benefit of those to whom it is entrusted.

13. For the maintenance of the public force and for the expenses of administration a general tax is indispensable; it ought to be equally apportioned among all the citizens according to their means.

14. All the citizens have the right to ascertain, by themselves or by their representatives, the necessity of the public tax, to consent to it freely, to follow the employment of it, and to determine the quota, the assessment, the collection, and the duration of it.

15. Society has the right to call for an account of his administration from every public agent.

16. Any society in which the guarantee of the rights is not secured, or the separation of powers not determined, has no constitution at all.

17. Property being a sacred and inviolable right, no one can be deprived of it, unless a legally established public necessity evidently demands it, under the condition of a just and prior indemnity.

40. SEPARATION OF CHURCH AND STATE

[In 1905 the Concordat concluded by Napoleon with the Papacy at the beginning of the 19th century was abrogated by a law which completely dissociates the Government from the recognition or financial support of the Catholic [or any other] church. The first two articles of this law, which are quoted below, constitute the legal basis of religious liberty in present-day France.]

Law of 9 December, 1905 (Journal Officiel, 11 December, 1905).

Article 1. The Republic assures liberty of conscience. . . . It guarantees the free exercise of religion limited only by such restrictions as are indicated below in the interest of public order.

Article 2. The Republic does not recognize, support, or subsidize any cult. As a consequence, beginning with 1 January following the promulgation of the present law, there will be eliminated from the budgets of the State, *départements*, and *communes* all appropriations relative to the exercise of religion. In the aforesaid budgets, however, expenditures relative to charitable services, and designed to assure the free exercise of religion in such public institutions as lycees, colleges, schools, hospitals, asylums, and prisons, may be inserted.

41. DISSOLUTION OF THE "POLITICAL LEAGUES"

[In common with other Continental democracies, France has during recent years witnessed the appearance of various organizations of an incipient, if not an admittedly, fascist pattern. These

organizations are popularly known as "political leagues." In most instances, the leaders of such groups have imposed a quasi-military discipline upon their followers and provided them with special uniforms, as well as, allegedly, with firearms. Their activities became so "subversive" and "seditious" that by 1935 liberal opinion demanded that the leagues be officially broken up in the interest of the safety of the Republic.

A law passed in January, 1936, authorized the Government to take steps to this effect if and as the public order required. After a violent attack which was made upon the Socialist leader, Léon Blum, by members of the *Ligue d'Action française* as he was motoring home from the Chamber of Deputies, Premier Sarraut issued in February a decree dissolving this monarchist organization. Later, in June, M. Blum's Popular Front cabinet resorted to similar action against Colonel de la Rocque's *Croix de Feu* [Cross of Fire] and three other fascistic leagues. The preamble and text of the decree ordering the *Croix de Feu* to disband are reproduced below.]

Decree of 18 June, 1936 (Journal Officiel, 19 June, 1936).

Ministry of the Interior

Dissolution of the Leagues

Report to the President of the French Republic
Paris, 18 June, 1936.

Mr. President:

The Government which came into office 4 June, 1936, intends to protect republican order and respect the sovereign will of the electorate. It cannot admit the illicit existence, either *de facto* or *de jure*, of groups which, under pretext of serving the general interest, attack the legal institutions of the country, attempt to impose their doctrines by force, and thereby produce, through their organization and activity, a fermentation of

trouble and agitation injurious to good morals and the national interest.

Already, for these reasons, the preceding Government has applied the law of 10 January, 1936, by ordering the dissolution of certain subversive organizations.

Today we consider that other groups constitute forces which are menacing the authority of the State and compromising the public order.

Such is notably the case of the association called the "*Mouvement social français des Croix de Feu*," which, because of its organization, permanent staff, military formations acting under the orders of its chiefs, the means of rapid concentration at its disposal, the complete subordination of its members to their superiors, as well as the secret instructions addressed to them, reveals incontestably the character of a private militia as defined and condemned by the law of 10 January, 1936. (§ 2, article 1.)

Changes made in the statutes of the organization while the law of 10 January, 1936, was being drafted, were for the sole purpose of dissimulating these characteristics; but this transformation is purely nominal, since the "*Mouvement social français des Croix de Feu*" has in no wise lessened its efforts to reach the same political ends, with the same methods, the same means of action, and the same personnel, under another name.

The Government does not intend to be deceived by such devious manoeuvres. It considers that there is reason to order the dissolution of the "*Croix de Feu*" under their new appellation of the "*Mouvement social français des Croix de Feu*."

It is to this effect that we have the honor of submitting for your approval the following decree, which applies to this organization the law of 10 January, 1936.

We beg you to accept, Mr. President, the assurance of our respectful devotion.

The President of the Council,
Léon Blum.

The Minister of the Interior,
Roger Salengro.

The Keeper of the Seals, Minister of Justice,
Marc Rugar.

The President of the French Republic,
Upon the recommendation of the President of the Council, of
the Keeper of the Seals, Minister of Justice, and of the Minister of the Interior,

In view of the law of 10 January, 1936;
After deliberation by the Council of Ministers,
Decrees:

Article 1. The association denominated "*le Mouvement Social Français de Croix de Feu*", whose headquarters are at Paris, 12, Rue Edmond-Valentin, is hereby dissolved.

Article 2. The Minister of the Interior and the Keeper of the Seals, Minister of Justice, each in so far as he is concerned, are charged with the execution of this decree.

Done at Paris, 18 June, 1936.

Albert Lebrun.

By the President of the Republic:
The President of the Council,
Léon Blum.

The Minister of the Interior,
Roger Salengro.

The Keeper of the Seals, Minister of Justice,
Marc Rugar.

42. A DEFENSE OF DEMOCRACY AND PEACE

[In a Europe resounding to the bombastic triumphs of fascist dictators and harassed by the menace of war, France found herself in 1936 the only Great Power on the Continent to remain steadfastly loyal both to the principles of political democracy and to the maintenance of international peace by collective action. In a radio broadcast to the French nation on 17 September, 1936, Premier Léon Blum defended with moving eloquence his country's support of democracy and peace. His address, the translation of which appears below, reveals how dearly the

liberal traditions of the Great Revolution of 1789 were still cherished by the majority of Frenchmen.]

A Radio Broadcast by Premier Blum (as reported in the *New York Times*, 18 Sept., 1936).

In the present anxiety of European opinion and on the eve of the Geneva Assembly, the Government of the French Republic believes it opportune to recall, in terms simple and clear, on what constant doctrine her political acts are founded.

By an immense majority, France remains attached, with thoughtful passion, to the memories and traditions of the French Revolution.

France believes in political liberty. She believes in civic equality. She believes in human fraternity. She professes that all citizens are born free and equal before the law. Among the fundamental rights of the individual she places liberty of thought and conscience in the first rank.

She considers that action of the State has for its essential object to introduce application of these principles more and more profoundly into legal institutions, into social understandings and into international relations. It is in this sense that the French State is a democratic State and that the French nation believes in democracy.

Is this doctrine weakened by what is called today "realism," that is to say by the utilitarian consideration of facts? Certainly not. Experience has not undone the belief of the French mind.

The principles evolved by the revolution of 1789 have spread over the entire world. They have changed the moral aspect of the universe. They have slowly eliminated the struggles between races and religions that bled Europe for centuries, and were thought to have been eliminated forever.

They have transported on to the plane of pure thought or the terrain of constructive action the eternal quarrel of doctrines. They have brought forth unheard of expansion in science and culture, while limiting the miseries engendered by industrialization.

Those who condemn them often unknowingly profit from them. Without the civil liberty that the French Revolution pro-

claimed, the authoritarian States of Europe would not today have at their heads men risen from the depths of the people and drawing from that origin their titles and their pride.

Stability has been spoken of. The history of the last century has demonstrated that democratic régimes offered at least as much stability as governmental system founded on the all-powerfulness of one man, even though that all-powerfulness be explained by genius.

Order, which is indispensable to all collective organization, has been spoken of. Democracy is precisely the régime that permits societies to progress in order, since it makes progress depend on the general will and on a more and more enlightened will.

France can cite her own example. For three months the government has been carrying out important social reforms. It has done so with the widest popular movement of expectation and hope. But it has done so without a single clash between citizens, without order having been disturbed in the street a single time, without a single institution having been overthrown, without a single citizen having been despoiled. It will be so tomorrow and it was so yesterday.

Democracy, which rests upon order and which imposes order upon the thoughtful will of the greatest number, is contrary to anarchy. In any case, how can the magnificent testimony offered for so many years by the great Anglo-Saxon nations be rejected?

Is it not thanks to democracy that Britain has been able to control that continuous and almost insensible adaptation between progress and tradition which has permitted her to transform all her institutions while remaining faithful to herself? Is it not thanks to democracy that the United States has been able to bring about a prodigious economic renewal in a few years without compromising legal order for a single instant, without going outside the framework of the Constitution elaborated just after the War of Independence by American disciples of Montesquieu and Rousseau?

No, democracy does not emerge condemned by the long trial waged against it. It is justified by proof as by reason. The

debt that humanity has contracted toward it during 150 years is infinite. France knows it and France remains faithful to democracy.

Although she keeps her full confidence in the age-old power to spread her influence, France does not claim to impose on any people the principles of government that she believes wisest and justest. She respects their sovereignty as she expects them to respect hers.

France rejects utterly the idea of wars of propaganda and wars of reprisal. The causes of war that weigh on the world are already heavy enough without her wanting to add to them with a doctrinal crusade, even for ideas that she believes right and just, even against systems that she believes false and evil.

She wants to live in peace with all the nations of the world, whatever may be their internal régime. She seeks, in harmony with all nations in the world, to reduce the cause of conflict from which one day war may spring. With all whoever they may be provided only they desire she will seek its organization and its consolidation. There is not a single contact, not a single interview, not a single discussion that she will refuse.

At the same time, as there is a democratic and humane conception of government, there is also a democratic and humane conception of peace. It is to that conception that the French nation remains attached. It is that conception which the French Government will seek to have accepted.

That French peace supposes for all nations liberty for self-determination. It supposes equality of right between States, big or little, as between individuals. It supposes fraternity, that is to say, progressive elimination of war, solidarity against an aggressor and material and moral disarmament.

It is because the League of Nations is itself founded on these principles that the international action of France is founded on the League. It seeks to strengthen the links between the nations that meet at Geneva to assure to the covenant she has signed more and more force and effectiveness. It seeks to organize mutual assistance. It seeks to halt the armaments race, and this country will not cease to repeat her appeal until she has been heard.

It seeks for reconciliation, for reciprocal understanding, for collaboration between all peoples, and men who speak in the name of the French nation can make this claim: That there has never passed their lips any word animated by a different spirit.

This conception of peace derives from democratic doctrine, but it holds its own against attacks of realism, for experience has proved it. History shows that no real, stable peace can be established on injustice or on egoism. Any sincere observer who looks at the present state of the world must be convinced that the only stable peace is a general peace, that only viable solutions of European problems are all-round settlements.

Peace must be general because war would be general, because there is not a single armed conflict in present Europe that could be limited or bounded. It is this conviction that the Government expresses when it speaks of collective security and indivisible peace. It is this conviction that it links with the sentiment of honor when it affirms its fidelity to the engagements taken to signed contracts and to concluded pacts, and when it manifests at the same time its firm intention to extend them right up to the universal organization of peoples united by peace in a common prosperity.

This will for peace, is for the French nation, a unanimous sentiment. There exist in France undoubtedly civil divisions. It is not liberty that engenders them, for they result from oppositions of thought and antagonisms of interest. But liberty permits their expression. It permits also an element of life and progress to be derived from their free play. There are in France doctrines and parties that oppose each other. In them, France sees the principle of force and not of feebleness.

But just as she is unanimous in her will for peace, she would be unanimous tomorrow, as in every hour of her history, if preservation of the security of the fatherland or even more if defense of her soil were in question. She would be unanimous for maintenance of her complete independence of conduct, her full liberty of decision and of choice against any pressure or any interdiction.

She seeks to constrain no one. She will not permit herself to be constrained by anyone, directly or indirectly.

She demands that there be always wisdom in her strength, but that there be always pride in her will for peace.

It is in this spirit that she intends to enter upon the international discussions that are about to open. That is the new contribution which, after so many others, old and recent, she desires to bring to the essential work of peace, awaited by the peoples of the world in anguish and in hope.

43. THE FRANCE OF TOMORROW?

[After the riotous night of 6 February, 1934, when the Third Republic tottered perilously near the precipice of disaster, plans and programs for reforming the French political and economic system poured forth in great profusion from party organizations right and left, political "leagues," labor syndicates, and individual publicists. Among them the proposals of certain groups of French youth were especially significant, since they represented the point of view of what may be called the "post-war" generation, about to take its place in the arena of politics.

The program outlined below was formulated in the summer of 1934 by a group of distinguished young intellectuals, including the famous novelist, Jules Romains, in the hope that the young men of all parties might be brought together on a common platform of orderly democratic reform. In many respects this *Plan du 9 Juillet* is similar to the program of the Popular Front which was evolved eighteen months later (cf. *supra*, p. 31.]

Plan du 9 Juillet (Paris, Gallimard, 1935. Translated and adapted by the author).

I. Moral Forces

This plan recognizes the existing demoralization and "decadence of liberalism." A remedy must not be sought in "totalitarian mysticism." Divergent opinions should be respected even though they are being synthesized for practical purposes.

It is necessary to establish an order based upon justice and progressively substitute for the profit motive a "mysticism of service"; to move toward a classless society, but at the same time restore a natural "hierarchy of personal values." In this task both religious and secular groups should collaborate, in particular the following: (1) syndicalist organizations of workers, peasants, employers, producers and technicians; (2) war veterans with a sense of civic responsibility; and (3) the youth of the land, which party strife has not yet divided.

II. *Reform of the State*

It does not seem possible to secure reform by the normal action of parliamentarism, the operation of which excludes by definition any profound political renovation. It is necessary to envisage a period of transition during which an energetic government will convoke a constituent assembly. The program of such a government should comprise: (1) the bases of political reorganization to be realized by constitutional reform, and (2) the bases of administrative, judicial, and financial reorganization to be effected in the meantime.

A. *The Constitution*

No constitutional system can be set up for eternity. There should be a periodic re-examination of the Constitution every fifteen years by the National Assembly (not necessarily implying amendment). This procedure would permit such orderly reforms as changed conditions might make necessary from time to time.

In times of great emergency (war, mob violence, etc.) the normal operation of the Constitution should be suspended and a "government of public safety" set up, consisting of experienced and disinterested men outside the arena of parliamentary politics.

With this reservation, the permanent political régime should conform to parliamentary principles, namely, the irresponsibility of the head of the State, the responsibility of the ministers to a popularly elected legislature, and the right of the execu-

tive to dissolve Parliament. At the same time, it appears necessary on the one hand to re-establish an equilibrium of governmental powers by strengthening the executive, and on the other to assure a better exercise of the legislative function by the participation of certain technical agencies in the law-making process.

(1) *Re-enforcement of the Executive*: by reserving exclusively to the Government the right to introduce bills involving new expenditures; by altering the conditions under which the Chamber of Deputies may be dissolved; by reducing the number of ministers and reorganizing the administrative departments; and by establishing an adequate permanent secretariat under the control of the Prime Minister.

(2) *Restrictions on the Legislature*. (a) Chamber of Deputies: The Chamber should be composed of 400 deputies, elected by universal suffrage (women included) for a term of six years. Non-voting should be penalized. The most suitable method of election appears to be a regional "list" system with the preferential vote. The Chamber should have the power to overthrow the Government by a vote of no confidence on condition that, by previous declaration, either the Government or the Chamber indicates its intention of solemnly staking the collective responsibility of the cabinet upon the result of the vote. When a new cabinet appears before the Chamber, a vote of no confidence should entail its resignation and lead to the appointment of a new President of the Council by the head of the State. Contrariwise, a vote of no confidence in a cabinet which had already won majority support in its first contact with Parliament, should involve the automatic dissolution of the Chamber of Deputies, with new elections in three months.

(b) Senate. This body should remain the "Great Council of French Communes" and the lines which connect its members to local government units should be tightened in proportion as the deputies are willing to subordinate electoral considerations to the task of legislation *per se*. Unlike the Chamber, the Senate should not be allowed to overthrow the cabinet nor be subject itself to dissolution. Instead, it should have the right to return bills to the Chamber for a second and third considera-

tion. After the Chamber has passed a bill three times, it should become a law regardless of the Senate's opposition.

(c) National Economic Council. This agency ought to consist of representatives of economic interests grouped professionally and regionally. Its rôle is two-fold: (1) to be consulted on proposed bills of an economic or financial character, including the budget, as well as on all amendments to such measures, the Council formulating an opinion, with reasons, thereon; and (2) to serve as an instrument of national economic co-ordination.

(d) Council of State. All proposed bills and amendments, governmental as well as private, should be submitted to the legislative section of the Council of State for proper drafting, in harmony with existing laws and regulations.

B. Administrative, Judicial, and Financial Organization

(1) *Central Administration*: The Prime Minister's department (*Présidence du Conseil*) should comprise the following services: General Administration, National Police, Personnel, Judicial Affairs, Legislative Drafting Bureau, and National Economy. The establishment of such a department would involve the abolition of the existing Ministries of Justice and of the Interior. The Council of State and the Court of Accounts should also be attached to this new department. In addition, permanent secretariats should be instituted in all the principal ministries.

(2) *Local and Regional Administration*. The *département* ought to be maintained as an intermediate unit between the commune and the region. The communes should retain their present structure, but on a much more decentralized basis. Inter-communal agreements for the joint operation of economic services should be facilitated.

France should be divided into twenty "regions" which would serve as the essential administrative and political districts of the country, as well as important economic and cultural centers. Delimited in terms of human geography, historical and cultural

traditions, and economic unity, these regions should be endowed with institutions which, though subordinate to the central government, will increasingly facilitate regional activity; e.g., a prefect appointed by the central government, an elective general council with regional budgetary power, a corporative chamber, etc.

(3) *Civil Servants.* The training of personnel in the higher brackets should be provided exclusively by an *Ecole polytechnique d'Administration*. Civil servants should be represented on the National Economic Council. Their independence should be assured by eliminating politics from administration and by a system of professional guarantees.

In order continuously to adapt public administration to the necessities of economic action and the changing national life, procedures for the regular consultation of representatives of the consumers of public services, of the National Economic Council, and of government staffs, should be worked out.

In order to prevent conflict between the State and its employees in respect to their economic, social, and moral prerogatives, a system of bi-partite committees, comparable to the Whitley councils in Great Britain, should be established in every administrative department and in the Prime Minister's secretariat.

The right to organize should be granted to civil servants for the purpose of defending and advancing their professional interests, but the exercise of this right must not entail the right to strike. . . .

The right to strike should be denied to all groups whose work is of vital importance to the nation's life, e.g., water, gas, and electricity workers, railwaymen, dock hands, public health personnel, etc. In compensation for surrendering this right, such workers should be given adequate guarantees as to minimum wages, stability of employment, etc.

(4) *Judicial Organization.* Effective freedom of the judiciary from political interference can be realized by replacing the "political" Minister of Justice by the Presiding Judge of the Court of Cassation as head of the magistracy, and by reorganizing the conditions under which the bench is recruited, advanced,

and paid. Judicial organization should be simplified and the code of court procedure reformed.

(5) *Public Finance.* Certain fiscal reforms seem essential: (a) Adaptation of budgetary practice to the contemporary needs of the State; consolidation of continuing expenditures by excluding them from annual appropriation votes; independent presentation of requests for long-range appropriations; relaxation of traditional requirements as to the unity and annuality of the budget.

(b) Establishment of a new system of accounting for State economic services, with a view to long-term management in terms of a commercial balance sheet. . . .

(c) Revision of the tax system in the direction of greater simplicity and equity, in harmony with existing economic realities.

III. *Education, Culture, and News*

For teachers special rights and obligations should be recognized. They ought to enjoy such a social status and pecuniary independence as will make it possible for them to consecrate themselves to their educational tasks without recourse to any action, like the strike, which will jeopardize the training of their pupils.

The public schools should be organized into a single educational hierarchy and become obligatory for all. Elementary teachers should be freed from the "isolation" in which a narrow normal school training has engulfed them. The vocational aspects of instruction should not be separated from the cultural, which is or should be integrated with every-day living. The State should take advantage of its system of compulsory military service so as to reduce illiteracy among army recruits.

In order that there may be effective freedom of the press, important reforms are desirable:

(1) The creation of a National Advertising Office to take the place of the actual monopoly enjoyed by certain private agencies.

(2) The supply of news through a corporation of the press under the control of a journalists' commission. The task of

training journalists should be confided to this corporation, on which not only newspaper owners, but reporters, editors, and State officials should be represented. Technical training in journalism, already well developed in certain countries, but virtually non-existent in France, should be introduced into the public educational system.

Because of the great educational value of radio broadcasting, it is indispensable that it be given a status comparable to that proposed for the press.

IV. *Foreign Affairs*

Internal quarrels have prevented us from following a clear and courageous foreign policy. A united France is necessary if we are to face squarely the question of what our future policy should be. No further compromises with either nationalistic or pacifistic demagoguery should be allowed. France will inspire respect by showing a kind of force far more efficacious than the instrumentality of war—a force born of a freely developed social solidarity.

Diplomatic wisdom suggests that our foreign policy be orientated along the following lines:

(1) Although France is naturally interested in conserving the existing European order, it does not follow that she should always appear as an anti-German or an anti-Italian "policeman," but rather that she should be willing to consider the possibility of treaty revision, adapting her policy to the needs of international co-operation and, in particular, to the preservation of harmony with Great Britain.

(2) A serious effort should be made at the first favorable moment to solve the Franco-German problem, without, however, disregarding the interests of those small states whose birth France has encouraged and toward which France has certain moral responsibilities.

(3) Increasing tension in the Far East on the one hand, and the state of anarchy into which Great Power antagonisms have plunged Europe on the other, demonstrate the necessity of es-

tablishing a European Concert capable of assuring internal peace on the Continent, as well as of protecting it from the external dangers with which it is now menaced.

(4) While we can not expect to arrive at an entente with no-matter-what-kind of Germany, we can in a certain measure help to create in Germany an attitude favorable to rapprochement,—by constantly suggesting to our former adversaries the striking contrast between the dangers of resorting to war and the advantages of international co-operation.

(5) Foreign opinion appears to be astonished by the fact that for fifteen years France has been armed to the teeth and yet is obsessed with a fear of insecurity. The rest of the world is more irritated than impressed by our show of military force. It would be better to stand ready to face any possible enemy with a really effective force and at the same time manifest a sense of tranquillity as a consequence of possessing this force. How to achieve this end is a problem at once of educating French public opinion and of practicing a consistent foreign policy.

V. *Economic Problems*

Indispensable economic changes may be grouped in two categories: (1) basic structural reforms and (2) measures facilitating a rapid improvement in the existing economic situation. The goal to be sought is progressively to replace the individual profit motive by the incentive of social service and the joy of creative effort.

A. *Structural Reforms*

(1) A service of documentation should be provided by the National Economic Council so that there may be compiled, analyzed, and published statistical data on all the factors affecting our economic life, including the volume of new investment in all branches of industry and the average costs of production therein.

(2) The State should establish a broader "co-operative" base for economic organization by grouping producers socially, regionally, and vocationally. Industrial disputes should be set-

tled by conciliation or arbitration; as a result strikes and lock-outs will tend to disappear. The internal structure of these groups ("corporations") of producers should be left, in so far as possible, for determination by employers and employees themselves, the State intervening only in case they fail to agree. Once a corporation is organized, the representative of the State on its board should have the right to veto decisions, but not to influence their formulation by his vote.

(3) Existing administrative departments concerned with economic matters should be consolidated into a single Ministry of National Economy. Inside the National Economic Council there should be a research, a documentation, and a financial section, the last to aid in orientating the distribution of credit increasingly in the community interest.

(4) The working week should be reduced as far as the protection of the standard of living and the maintenance of international trade will permit.

(5) Each individual should be assured a basic living wage, with supplementary remuneration varying with the costs of living and the scale of industrial profits.

(6) Both autarchy and free trade are equally impracticable for France. A "controlled" foreign trade has become necessary. This should be worked out in terms of an annual program, manufacturers and exporters' corporations, consumer groups and the Government collaborating in the task. One of the essential objectives to be sought is the equalization of the standard of living in those countries whose products compete on the world market. . . .

B. Transitional Measures

Among the more important intermediate steps to be furthered are (1) an expansion of public works, emphasizing social hygiene and low-cost housing, (2) agricultural and industrial development in French North and West Africa, (3) encouragement of a freer and broader international trade, (4) efforts to reduce costs of industrial production, and (5) an orderly monetary devaluation coupled with budgetary retrenchment.

C. Agriculture.

Agricultural production should be organized along the following lines:

(1) The development of a system of compensated distribution in order to assure a steady internal market and to reduce to a minimum our dependence upon foreign foodstuffs;

(2) the concentration of production within such a system, in response to the requirements of our internal equilibrium, by encouraging the production of secondary grains, eggs, fruits, and vegetables, and by preventing the overproduction of wheat and cattle; and

(3) a more effective vocational organization of farmers for productive and marketing purposes, as well as for collaboration with the Government in formulating regulatory measures for agriculture.

Conclusion

This program is designed to safeguard, even though it may somewhat slow down, technical progress. Scientific developments during the last few centuries have given man great power over nature, but have diminished his control over himself. This is why civilization is being shaken from its axis. It is necessary to re-establish an equilibrium by developing and applying social science. Such is the principal preoccupation of our proposals.



DOCUMENTS

ON THE

FASCIST GOVERNMENT OF ITALY

BY

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PREFATORY NOTE

The following documents of Fascist history and government have been selected to emphasize the more distinctive features of the Italian Fascist State. They do not include all the basic constitutional legislation of Fascism which is listed on page 33 of Schneider: *The Fascist Government of Italy*. Nor do they include the *Statuto* of the Italian monarchy. The *Statuto* of 1848 has been published frequently in English and is, moreover, of diminishing significance. The most revolutionary and distinctive measure of Italian Fascism is the Law incorporating the Grand Council of Fascism into the State, December 9, 1928. This Act is given here in full as it has been amended by subsequent legislation. The basic Fascist Laws, on the Powers and Prerogatives of the Prime Minister, December 24, 1925, and on the Power of the Executive Branch to Make Legal Decrees, January 31, 1926, concentrated power and responsibility in the hands of the Prime Minister and constitute the legal basis of the dictatorship.

The Law of April 3, 1926,¹ constitutes the basic legislation of the so-called Corporative State, which is the distinctive Italian contribution to modern statecraft. Its chief provisions are summed up in the Labor Charter, promulgated a year later. The Law on the Corporations, February 5, 1934, and the Law creating the Provincial Councils of Corporative Economy, June 18, 1931, are the most significant remaining legislative documents on the Corporative State. The Law on the Central Corporative Committee, April 18, 1935, which completes for the present the constitutional legislation of corporatism, has been omitted since it concerns a minor detail.

¹ For an historical analysis of it see the article by Herbert W. Schneider in the *Political Science Quarterly* for June 1927, vol. 42, pp. 161-202, entitled, "Italy's New Syndicalist Constitution."

Of Mussolini's many striking speeches the three that have been selected here constitute a trilogy, the development of a single theme. They give some idea of his interpretation of the history leading up to Fascism, of his theory of economics and its relation to the State, and of the basic features of corporatism. In addition they convey, even in translation, some of the vigor, confidence, and popular appeal that have made Mussolini an idol as well as a leader.

No comment is needed on the inclusion of such materials as the Constitution of the National Fascist Party, a collective labor contract, and several decisions of the Labor Courts. For additional materials the reader is advised to consult the appropriate publications indicated in the bibliographical references of Schneider: *The Fascist Government of Italy*. It seemed wise to include some of the statistics of recent Italian politics and economics in the text rather than in this collection of supplementary readings.

HERBERT W. SCHNEIDER

CONTENTS

	PAGE
I. THE CONSTITUTION OF THE GRAND COUNCIL OF FASCISM .	7
II. THE LAW ON THE POWERS AND PREROGATIVES OF THE HEAD OF THE GOVERNMENT, DECEMBER 24, 1925 . .	11
III. THE LAW ON THE POWER OF THE EXECUTIVE BRANCH TO MAKE DECREES HAVING THE FORCE OF LAWS, JANU- ARY 31, 1926	14
IV. THE CONSTITUTION OF THE NATIONAL FASCIST PARTY, NOVEMBER 12, 1932	17
V. THE LAW OF APRIL 3, 1926, CONCERNING THE LEGAL DISCIPLINE OF COLLECTIVE LABOR RELATIONS . .	32
VI. THE LABOR CHARTER, APRIL 21, 1927	44
VII. THE LAW ON THE COMPOSITION AND FUNCTIONS OF THE PROVINCIAL COUNCILS OF CORPORATIVE ECONOMY, JUNE 18, 1931	51
VIII. THE LAW ON THE CORPORATIONS, FEBRUARY 5, 1934 .	59
IX. THREE ADDRESSES BY MUSSOLINI ON CORPORATIVE ECON- OMY, NOVEMBER 14, 1933, JANUARY 13, 1934, AND MARCH 23, 1936	63
X. TYPICAL DECISIONS OF THE LABOR COURTS	89
XI. A COLLECTIVE CONTRACT	96

THE CONSTITUTION OF THE GRAND COUNCIL OF
FASCISM, AS AMENDED BY LEGISLATION SUB-
SEQUENT TO THE ORIGINAL LAW OF DECEM-
BER 9, 1928, NO. 2693

[The Grand Council of Fascism began to operate in 1925 as the central directive body of the Régime. As the Party organization took on more definite form, however, especially after the creation of the National Directorate of the Party, the Grand Council ceased to be an active working nucleus and was left as a supreme authority, deciding the major issues formally but meeting only two or three times a year in brief sessions. By the Law of December 9, 1928, the Grand Council was transformed from a Party organ into an organ of the State. This is the most revolutionary single Act of the Régime, as will be seen by an examination of the large powers it assigned to the Grand Council.¹]

Article 1. The Grand Council of Fascism is the highest organ of co-ordination and integration for all the activities of the Régime which arose from the Revolution of October 1922. It has deliberative powers in matters specified by law and in addition gives its judgment on any other political, economic, or social question of national interest concerning which the Head of the Government consults it.

Article 2. The Head of the Government, Prime Minister Secretary of State is *ex officio* the President of the Grand

¹ My attention has been called to an inaccuracy on page 49 of *The Fascist Government of Italy* in the discussion of the powers of the Grand Council. Instead of "to ratify the successor to the throne," the text should read, "to amend the law of succession to the throne." The text of Article 12 of the Law itself makes this clear.

Council of Fascism. He convenes it when he deems such action necessary and determines its agenda.

Article 3. The Secretary of the National Fascist Party is the Secretary of the Grand Council. The Head of the Government may delegate to him the task of convening and presiding over the Grand Council in case he is absent or prevented from attending or in case the office is vacant.

*Article 4.*¹ The Quadrumvirs of the March on Rome are members of the Grand Council for an unlimited period.

*Article 5.*¹ The following are members of the Grand Council by reason of their offices and for the duration of the same:

(1) The President of the Senate of the Realm and the President of the Chamber of Deputies.

(2) The Ministers Secretaries of State for Foreign Affairs, Interior, Justice, Finances, National Education, Agriculture and Forests, and Corporations.

(3) The President of the Royal Academy of Italy.

(4) The Secretary and two Vice-Secretaries of the National Fascist Party.

(5) The Commander General of the Voluntary Militia for National Safety.

(6) The President of the Special Tribunal for the Defense of the State.

(7) The Presidents of the National Fascist Confederations and of the National Confederations of Fascist Syndicates for Industry and for Agriculture.

Article 6. The persons specified in the three preceding Articles are recognized as members of the Grand Council by Royal Decree on proposal of the Head of the Government. In the same manner their recognition as members can be revoked at any time.

*Article 7.*¹ By decree of the Head of the Government, certain persons may be nominated as members of the Grand Council for a period of three years and with the possibility of renewal, who, as members of the Government, as Secretaries of

¹ As modified by the Law of December 14, 1929, No. 2099.

the National Fascist Party since 1922, or in other capacities, have served well the nation or the cause of the Fascist Revolution.

In the same manner their nomination may be revoked at any time.

Article 8. Senators or Deputies may at the same time be members of the Grand Council.

Article 9. No member of the Grand Council may be arrested (except in case of flagrant crime) nor submitted to penal procedure or police measures without the authorization of the Grand Council. No disciplinary measure may be taken against a member of the Grand Council as a member of the National Fascist Party without the decision of the Grand Council.

Article 10. The services of members of the Grand Council are rendered without pay. No expenditures may be requested of the State for the work of the Grand Council. The sessions of the Grand Council are secret. Other rules for its operation will be fixed by an internal regulation approved by the Grand Council.

Article 11. The Grand Council decides on:

(1) The list of Deputies chosen according to the terms of Article 5 of the Law of May 17, 1928, No. 1019.

(2) The constitutions, orders, and political policies of the National Fascist Party.

(3) The nomination and revocation of the Secretary, Vice-Secretaries, Administrative Secretary, and other members of the Directorate of the National Fascist Party.

Article 12. The judgment of the Grand Council must be consulted in all constitutional matters. Legislation on the following is always to be considered constitutional:

(1) The succession to the throne, the powers and prerogatives of the Crown.

(2) The composition and function of the Grand Council, the Senate of the Realm, and the Chamber of Deputies.

(3) The powers and prerogatives of the Head of the Government, Prime Minister Secretary of State.

(4) The power of the Executive Branch of the Government to make decrees with the force of laws.

(5) The syndical and corporative organization.

(6) The relations between the State and the Holy See.

(7) International treaties which imply changes in the territory of the State and its colonies or the renouncing of the acquisition of territory.

Article 13. The Grand Council, on proposal of the Head of the Government, prepares and holds in readiness the list of names to be presented to the Crown in case of a vacancy for the nomination of the Head of the Government, Prime Minister Secretary of State.

Without infringing on the powers and prerogatives of the Head of the Government, the Grand Council also prepares and holds in readiness, in case a vacancy occurs, a list of persons whom it deems fit to assume the offices of the Government.

[*Article 14*, concerning the nomination and terms of office of the officers of the National Fascist Party, is omitted since it has been replaced by the new Constitution of the National Fascist Party, December 14, 1929.]

II

THE LAW OF DECEMBER 24, 1925, NO. 2263, ON THE POWERS AND PREROGATIVES OF THE HEAD OF THE GOVERNMENT, PRIME MINISTER SECRETARY OF STATE

[The chief purpose of this law was to free the Government from direct responsibility to Parliament and to give to the Prime Minister the dignity and powers of the King's Chancellor.]

Article 1. The executive power is exercised by His Majesty the King through His Government. The Government consists of the Prime Minister Secretary of State and the Ministers Secretaries of State.

The Prime Minister is Head of the Government.

Article 2. The Head of the Government, Prime Minister Secretary of State is appointed and recalled by the King and is responsible to the King for the general policy of the Government.

The Decree appointing the Head of the Government, Prime Minister is countersigned by himself, and that recalling him by his successor.

The Ministers Secretaries of State are appointed and recalled by the King on proposal of the Head of the Government, Prime Minister. They are responsible to the King and to the Head of the Government for all the legislation put into effect by their Ministries.

The Under-Secretaries of State are appointed and recalled by the King on proposal of the Head of the Government by agreement with the Minister concerned.

Article 3. The Head of the Government, Prime Minister directs and co-ordinates the activities of the Ministers, settles

disputes arising among them, calls meetings of the Council of Ministers and presides over them.

Article 4. The number, appointment, and powers of Ministers shall be established by Royal Decree on proposal of the Head of the Government.

By Royal Decree the Head of the Government may take over one or more Ministries. In such cases the Head of the Government may by his own decree transfer to the Under-Secretaries of State part of the powers belonging to the Minister.

Article 5. The Head of the Government is a member of the council for the protection of members of the Royal Family and exercises the functions of Notary of the Crown.

He is also Secretary of the Supreme Order of the SS. Annunziata.

Article 6. No bill or motion may be submitted to either of the Houses of Parliament without the consent of the Head of the Government.

The Head of the Government has the power to request that a bill, rejected by one of the Houses of Parliament, be voted upon again three months after the first vote. In such cases the vote is by ballot without previous debate. When, in submitting the bill for the second vote, the Government also submits amendments to it, only the amendments may be debated after which the bill is voted upon.

The Head of the Government also has the power to request that a bill rejected by one of the Houses be submitted to the other House to be voted upon after due examination.

When a bill already passed by one House is passed by the other with amendments, the debate in the House to which it is submitted a second time must be confined to the amendments, after which the bill is voted upon.

Article 7. Throughout his term of office the Head of the Government takes precedence over the Knights of the Supreme Order of the SS. Annunziata at public functions and ceremonies. A civil list is granted to the Head of the Government out of the public treasury, the sum being fixed by Royal Decree.

Article 8. The Head of the Government designates the Minister who is to substitute for him in case of absence or when

prevented from being present; this designation is made separately in each given case.

Article 9. Whosoever makes attempts against the life, safety, or personal freedom of the Head of the Government shall be punished with imprisonment for not less than fifteen years, with imprisonment for life if his attempt succeeds.

Whosoever offends the Head of the Government in words or deeds shall be punished with imprisonment for from 6 to 30 months, and with a fine of from 500 to 3,000 lire.¹

Article 10. All legislation conflicting with the present Law is repealed.

¹ Modified by the Law of November 25, 1926, No. 2008, On the Measures for the Defense of the State: Whosoever makes attempts against the life, safety, or personal freedom of the King or Regent shall be punished with death. The same applies if the attempt is made against the life, safety, or personal freedom of the Queen, the Crown Prince, or the Head of the Government.

III

THE LAW OF JANUARY 31, 1926, NO. 100, ON THE POWER OF THE EXECUTIVE BRANCH TO MAKE DECREES HAVING THE FORCE OF LAWS

[By this law the Government was given sufficient freedom in making decrees so that in effect Parliament was robbed of all initiative and all effective control over legislation. Technically the measure merely extended privileges that had often been granted to the executive prior to the days of Fascism.]

Article 1. By Royal Decree, after deliberation in the Council of Ministers and hearing in the Council of State, regulations having the force of laws may be issued concerning the following, even in matters heretofore regulated by law:

- (1) The execution of laws.
- (2) The use of powers belonging to the executive branch.
- (3) The organization and functioning of the State Administrations and of their personnel; the organization of public institutions and concerns, other than Communes, Provinces, public philanthropic institutions, universities and higher educational institutions, which are legal bodies.

Expenditures provided for by a Finance Act must continue to be authorized by an Act of Parliament, and in all cases regulations concerning the judiciary, the jurisdiction of the Courts, the system of the Council of State, the Court of Audit, and the guarantees of magistrates and other officials who cannot be removed must be enacted by Parliament.

Article 2. In cases where a law was formerly required, contracts stipulated by the State shall be approved by Royal Decree, after deliberation in the Council of Ministers and hearing before expert advisers attached to each Ministry as well as in the Council of State.

Article 3. By Royal Decree, after deliberation in the Council of Ministers, regulations having the force of laws may be issued in the following cases:

(1) When the Government is empowered and delegated to do so by a law and only within the terms of that law.

(2) When the case is exceptional by reason of its urgency or absolute necessity; whether or not a case is exceptional shall be judged only by Parliament.

In cases referred to in paragraph 2 of the preceding Article, the Royal Decree shall contain a clause providing for presentation to Parliament for ratification; the Decree ceases to have effect unless it is submitted to one of the Houses of Parliament for ratification, and this should be done not later than at the third session after the publication of the Decree.

Public announcement of the introduction of the bill is at once made through the Official Bulletin.

A bill introduced for the ratification of a Royal Decree is considered urgent to all effects.

If the session of the House closes before the bill is passed, the bill is reintroduced at the next session of the same House in which ratification was pending. Within five days after a bill has been passed by one of the two Houses of Parliament, it is forwarded by the President of that House to the office of the President of the other, this being equivalent to official introduction of the bill for ratification by that House.

If the bill is rejected by either of the two Houses, the President shall make this known in the Official Bulletin and the Decree shall cease to be effective from the day of this publication.

If the bill is passed with amendments, the amendments become effective when the Law is published.

If not ratified within two years after its first publication, a Decree ceases to be effective on the last day of the second year.

Article 4. In the case of Decrees issued before the publication of the present Law, the time limits set in the preceding Article are to be counted as from the day of publication of the present Law.

IV

THE CONSTITUTION OF THE NATIONAL FASCIST PARTY, NOVEMBER 12, 1932

[Ever since its victory, the Fascist Party has been an embarrassing problem. It is no longer literally a party, and some Fascists were willing to transform it frankly into a "cultural institute." Nevertheless the discipline and activities of the Party are of vital importance to the Régime, and there has been little disposition among its leaders to weaken its political power. As a reply to some of the more restive and liberal spirits in the Party, the leaders have enforced an increasingly rigorous military discipline and hierarchy in the Party, and its Constitution was revised several times in this direction. The Constitution of 1932, which is here given, marks the culmination of this tendency toward military discipline and toward the centralization of authority in the Leader. By this very fact, however, the Party has been subordinated to the Government in such a way that it is really an informal branch of the Government rather than an independent party hierarchy. The status of the Party in the State was clarified when the Grand Council, which had been a Party organ, was transformed into an organ of the State with constitutional powers. The Party and its Militia are merely "in the service of the State," but in practice the most important function of the Party is to be "under the orders of the Leader."]

The Nature of the Party

Article 1. The National Fascist Party is a civil militia under the orders of the Leader in the service of the Fascist State.

Article 2. The National Fascist Party is composed of *Fasci di Combattimento*, united in a Federation of *Fasci di Combattimento* in each Province.

The Secretary of a Federation of *Fasci di Combattimento*, whenever he considers it necessary, is authorized to organize the *Fasci di Combattimento* into regional groups or subdivisions, each under the direction of a leader and a board of five members, one of whom shall be the administrative officer.

A *Fascio di Combattimento* can not be formed or dissolved without authorization by the Secretary of the National Fascist Party.

In every provincial capital there shall be a *Gruppo Fascisti Universitari* [Group of Fascist Students].

Each *Fascio di Combattimento* shall have attached to it a *Fascio Giovanile di Combattimento* [Young Fascists] and a *Fascio Femminile* [Women's *Fascio*]. The latter shall in its turn establish a *Gruppo Giovani Fasciste* [Group of Fascist Girls].

The Federation of *Fasci di Combattimento* shall establish the provincial associations of schools, of public employees, of railways, of postal and telegraph services, of employees in State industrial concerns, and the section of district doctors belonging to the association of public employees.

Article 3. The black shirt is the Fascist uniform and must be worn only on stated occasions.

Fascists must wear the badge of the National Fascist Party.

Article 4. The standard is the emblem of the *Fascio di Combattimento* and is the symbol of Fascist faith.

The standard, which at official ceremonies is entrusted to a standard-bearer, is entitled to an escort of five Fascists chosen from among those who took part in the March on Rome or have served longest in the Party, under the command of the Vice-Secretary of the *Fascio di Combattimento*.

The standards of the National Directorate of the National Fascist Party and of the Federation of *Fasci di Combattimento*, to both of which military honors must be paid, are entitled to an escort of Fascist Militia under the command of an officer.

The Organs and Hierarchy of the Party

Article 5. The National Fascist Party through its corporate organs and its officers carries out its activities under the guidance of the Leader and according to the plans made by the Grand Council.

The hierarchy consists of:

(1) The Secretary of the National Fascist Party.

(2) The members of the National Directorate of the National Fascist Party; the President of the Association of Families of Fallen Fascists and of Fascists Wounded or Disabled for the National Cause.

(3) The Federal Secretary and the Federal Commander of the *Fasci Giovanili di Combattimento*; the Vice-Secretary of the *Gruppi Fascisti Universitari*.

(4) The members of the Federal Directorates; the Secretaries of the *Gruppi Fascisti Universitari*; the Seconds-in-command of the *Fasci Giovanili di Combattimento*; the Regional Inspectors; the Administrative Officers of the Associations of the Families of Fallen Fascists and of Fascists Wounded and Disabled for the National Cause; the provincial Administrative officers of the *Fasci Femminili*.

(5) The Secretaries of the *Fasci di Combattimento*; the members of the Directorate of the *Fasci di Combattimento*; the Administrative Officers of the Regional Groups; the members of the Directorate of the *Gruppi Fascisti Universitari*; the Commanders of the *Fasci Giovanili di Combattimento*; the Administrative Officers of the Subdivisions; the Administrative Officers of the *Gruppi Fascisti Universitari*; the Secretaries of the *Fasci Femminili*.

The corporate organs are:

(1) The National Directorate of the National Fascist Party.

(2) The National Council of the National Fascist Party.

(3) The Directorate of the Federations of *Fasci di Combattimento* (Federal Directorate).

(4) The Directorate of the *Fasci di Combattimento*.

- (5) The Board of the Regional Groups.
- (6) The Directorate of the *Gruppi Fascisti Universitari*.
- (7) The Board of the Subdivisions.

A Fascist who was present at the foundation of the *Fasci di Combattimento* (Piazza San Sepolcro, Milan, March 23, 1919) shall have precedence over other Fascists of his group.

Article 6. Positions of authority, commands, or other offices must be entrusted to Fascists who fought for or assisted in the Revolution or to Fascists who have risen from the Junior organizations.

The Center

Article 7. The National Directorate of the National Fascist Party, presided over by the Secretary of the National Fascist Party, consists of two Vice-Secretaries, an Administrative Secretary, and six members.

The Leader proposes to the King the nomination and dismissal of the Secretary of the National Fascist Party. The Secretary of the National Fascist Party is a member of the Grand Council of Fascism and is also its Secretary; he can be summoned to take part in the sessions of the Council of Ministers; he is a member of the Supreme Council for the Defense of the State, of the Supreme Council of National Education, of the Administrative Council of the National Fascist Institute of Culture, of the National Council of Corporations, and of the Central Corporative Committee; he is the President of the National Union of Italian Reserve Officers, of the Administrative Commission of National Employment Agencies, Vice-President of the Central Board of University Activities, Secretary of the *Gruppi Fascisti Universitari*, and Commander of the *Fasci Giovanili di Combattimento*.

The Secretary of the National Fascist Party, following the general instructions of the Grand Council of Fascism (established by the Law of December 9, 1928, No. 2693), the supreme body issued from the Revolution, which co-ordinates and integrates all the activities of the Régime, gives instructions for the work of the dependent organizations, reserving to himself the fullest control.

He supervises the activities of the National Directorate of the National Fascist Party, and, consistent with his right to make provision for the necessary changes, he prescribes regulations for the organization and functioning of the following Departments: the Political Secretariat, the Administrative Secretariat, the Association of the Families of Fallen Fascists, the *Gruppi Fascisti Universitari*, the *Fasci Giovanili di Combattimento*, the *Fasci Femminili*, the Fascist Associations (of schools, of public employees, of railways, of postal and telegraph services, of employees in State industrial concerns), the National Olympic Committee, the National *Dopolavoro* Organization, the Press and Publicity, the Historical Committee, the Archives.

On the proposal of the Federal Secretaries, he nominates the Federal Directors, the Secretaries of the *Gruppi Fascisti Universitari*, and the Administrative Officers of the *Fasci Femminili*.

When a Federal Secretary is removed at his request, he has the right to dissolve the Federal Directorate and to proceed to the appointment of a Special Commissioner.

He supervises the work of the non-central organizations, in order that all their actions may be imbued with the spirit of Fascism; he maintains contact with the National Fascist Confederations of Employers and Workers, the National Fascist Confederation of Professional Men and Artists, and the National Co-operative Organizations, and, when necessary, collaborates in the field of labor and production; he maintains contact with the various organs of the State, with the Presidency of the Senate, with the Presidency of the Chamber of Deputies, with the General Command of the National Militia, and with the Secretary General of the Italian *Fasci* abroad.

He gives orders directly to the National Italian Olympic Committee and the National *Dopolavoro* Organization.

At the request of the Leader he may take the chair at their meetings or appoint others to do so.

Article 8. The members of the National Directorate of the National Fascist Party are appointed and removed by the Leader on the proposal of the Secretary of the National Party.

The Vice-Secretaries of the National Fascist Party are mem-

bers of the Grand Council of Fascism and of the National Council of Corporations, and are Vice-Commanders of the *Fasci Giovanili di Combattimento*.

They assist the Secretary of the National Fascist Party and substitute for him when necessary.

The Administrative Secretary of the National Fascist Party is a member of the Central Board of University Activities.

The National Directorate, summoned by the Secretary of the National Fascist Party, will normally meet once a month in the Littorio Palace, and whenever the Secretary of the National Fascist Party may deem it necessary.

When the meetings of the National Directorate of the National Fascist Party are called and presided over by the Leader, the Minister of the Interior, the General Commandant of the Militia, and the Minister of Corporations shall take part.

At meetings presided over by the Secretary of the National Fascist Party, the Under-Secretary of State for the Interior, the Under-Secretary of State for Corporations, and the Chief of Staff of the National Militia have the right to be present.

As a general rule decisions shall be published by means of the Order Sheet.

Article 9. The National Council is composed of the Federal Secretaries and is presided over by the Secretary of the National Fascist Party, who summons it with the previous authorization of the Leader.

It supervises the activities of the National Fascist Party and executes general orders.

Article 10. The Leader summons to the general Meeting (*Gran Rapporto*) the members of the Grand Council of Fascism, the National Directorate of the National Fascist Party, the National Council of the National Fascist Party, and the Federal Directors.

In the Provinces

Article 11. Federal Secretaries are appointed and removed by the Leader, on proposal of the Secretary of the National Fascist Party.

They carry out the orders of the Secretary of the National Fascist Party.

They promote and control the activities of the *Fasci di Combattimento* of the Province and exercise political control over all the institutions and organizations of the Régime.

They keep in touch with the Senators and Deputies and with the Commandant of the Militia.

They preside over the Inter-syndical Committees and the Joint Administrative Commissions of the Provincial Employment Agencies.

They are members of the Board of University Activities in cities where there are universities or higher educational institutions.

They preside over the Relief Organizations and the *Dopolavoro* of the Province.

They promote and regulate athletics in the subordinate organizations.

They convene the Federal Directorate at least once a month, and at least once a year they summon the Secretaries of the *Fasci di Combattimento* and examine with them the problems confronting the *Fasci di Combattimento* and the political, moral, and economic problems of the Province.

Either directly or through their appointees they control the keeping of the Federal and local membership lists and of the archives.

They propose to the Secretary of the National Fascist Party candidates, to the number of seven, for membership in the Federal Directorate.

The Federal Directorate has advisory functions; to each member the Federal Secretary may assign special duties in connection with the various branches of activities of the National Fascist Party and its dependent organizations.

Two of the members of the Federal Directorate will be delegated to act as Federal Vice-Secretary (performing the duties of the Federal Secretary in his absence) and Federal Administrative Secretary respectively.

The Federal Secretary may avail himself of the assistance of Regional Inspectors, whom he appoints himself.

He is Federal Commandant of the *Fasci Giovanili di Combattimento*.

The Federal Secretary is also Political Secretary of the *Fascio di Combattimento* in the capital of the Province.

He appoints the Political Secretary of each *Fascio di Combattimento*, and the latter, in turn, proposes to the Federal Secretary candidates, to the number of five, for membership in the Directorate of the *Fascio di Combattimento*.

The Directorate of the *Fascio di Combattimento* in the capital of the Province consists of seven members.

This number may, with the authorization of the Secretary of the National Fascist Party, be raised to nine if the membership in the *Fascio di Combattimento* exceeds 20,000.

Article 12. At the headquarters of the Federation of *Fasci di Combattimento* a register must be kept of the members of each *Fascio di Combattimento*.

Issuing membership cards is entrusted to the Federation of *Fasci di Combattimento* under the personal responsibility of the Federal Secretary.

Article 13. It is incumbent on the Political Secretary of the *Fascio di Combattimento* and the leaders of district groups and subdivisions to know the political and moral qualifications as well as the means of subsistence of each member, and to insist that even in every-day matters the Fascist spirit and discipline be respected, reporting those who fail in their duties to the Federal Secretary, when necessary.

The Political Secretary is personally responsible for the accuracy of the membership lists.

The Political Secretary of the *Fascio di Combattimento* and the leaders, on receipt of orders from the Federal Secretary, shall call the Fascists together on the opening of the Fascist year to communicate and explain the program they intend to follow and to permit discussion of it. In the course of the year, they hold at least one other meeting, preferably on the anniversary of the founding of the *Fascio di Combattimento* concerned.

The Fascist Levy

Article 14. The Fascist Levy takes place on April 21, Labor Day.

The Fascist Levy is the occasion of the promotion of members of the *Balilla* to the ranks of the *Avanguardisti*, of *Avanguardisti* to the ranks of Young Fascists, of Young Fascists to the National Fascist Party and the Fascist Militia.

Arrangements for the Levy are agreed upon by the Secretary of the National Fascist Party, the Under-Secretary of State for Education and Physical Training of the Young, the President of the National *Balilla* Organization, and the Chief of Staff of the Fascist Militia.

The Young Fascists who enter the National Fascist Party take the following oath before the Political Secretary of the *Fascio di Combattimento*:

"In the name of God and of Italy I swear that I will obey the orders of the Leader without questioning, that I will serve the cause of the Fascist Revolution with all my powers and if necessary with my blood."

Discipline

Article 15. In the National Directorate of the National Fascist Party shall be established a Court of Discipline, presided over by a Vice-Secretary and composed of two full members, two associate members chosen from the National Directorate, and a Secretary, appointed from time to time by the Secretary of the National Fascist Party.

Only such cases shall be referred to the Court as in the opinion of the Secretary of the National Fascist Party demand special examination.

The findings of the Court of Discipline shall be submitted to the Secretary of the National Fascist Party for his decisions.

Article 16. In every Federation of *Fasci di Combattimento* shall be established a Federal Disciplinary Commission, presided over by the Federal Vice-Secretary and composed of five full

members, and two associate members, and a secretary, drawn from outside the Federal Directorate.

These appointments are made by the Federal Secretary.

The Federal Disciplinary Commission may inflict the penalties prescribed in paragraphs 1, 2, and 3 of Article 19.

When the findings of the Federal Disciplinary Commission involve the penalty of withdrawal of the membership card or expulsion, the proceedings shall be referred to the Federal Secretary, who, when he considers that expulsion from the National Fascist Party is advisable, shall submit a proposal to this effect to the Secretary of the National Fascist Party in accordance with Article 21.

Article 17. When officers or men of the Militia, Directors of the National *Balilla* Organization, or Directors of the Syndical or Co-operative Organizations are to be tried before the Disciplinary Commission, the Federal Secretary shall invite an officer or representative of the said organization to form part of the Commission.

(a) When an officer or man of the Fascist Militia incurs one of the disciplinary penalties prescribed by Article 19 below, the qualified Command takes analogous action. Reprimands must be entered on the register sheets.

When a member of the Fascist Militia incurs one of the penalties prescribed by the disciplinary regulations laid down by the General Command which imply removal from the Militia, he must be brought before the Federal Disciplinary Commission; when "removal from the roll" is based on lack of those physical qualities or moral aptitudes required of a member of the Militia, the decision is without effect in so far as membership in the National Fascist Party is concerned.

(b) When the Fascist Militia has to proceed against officers or men who hold office in the National Fascist Party, the Federal Secretary concerned shall be consulted.

(c) When proceedings have to be taken against General Officers or Consuls of the Fascist Militia, in permanent service or on half-pay, the General Command shall be consulted.

(d) In proceedings against higher and lower officers (*Primi Seniori* and *Seniori*), in permanent service or on half-pay, the

Fascist Militia Command concerned (Group Command or Legion) shall be consulted.

(e) When the authorities of the Fascist Militia have pronounced a judgment which has subsequently been confirmed by the National Fascist Party, the case may be re-examined and modified only by the Command concerned with the previous assent of the Federal Secretary.

Article 18. The Fascist who falls short of his duty by breach of discipline or deficiency in those qualities that constitute the Fascist spirit shall, except in cases of extreme urgency, be sent by the Federal Secretary before the Federal Disciplinary Commission.

In cases of extreme urgency the Federal Secretary himself imposes the penalty.

Disciplinary Penalties

Article 19. Disciplinary penalties are as follows:

- (1) Reprimand.
- (2) Suspension for a definite period of time (from a minimum of one month to a maximum of one year).
- (3) Suspension for an indefinite period of time.
- (4) Withdrawal of membership card.
- (5) Expulsion from the National Fascist Party.

Article 20. Penalties 1, 2, and 3 above are inflicted for breaches of discipline that do not preclude reconsideration.

When penal proceedings are opened against a Fascist for offenses against personal honor, he is placed by the Federal Secretary in *suspension pending judgment*.

Loss of membership card is incurred by a Fascist who is guilty of serious breaches of discipline or who demonstrates that he lacks those qualities that constitute the Fascist spirit.

Punishment 5 is inflicted on traitors to the Cause of the Fascist Revolution and on those who have been sentenced for disgraceful crimes.

The Fascist who has been expelled from the National Fascist Party must be outlawed from public life.

His position is not susceptible of revision except in cases where new facts or new evidence prove that an error has been made, and then only on order of the Leader.

Article 21. Disciplinary punishment must be accompanied by a brief but clear statement of the reasons for it and must be noted on the identification card of the person punished.

The expiration or revocation of the sentence must also be noted on this card.

The person punished has the right to appeal to the Federal Secretary regarding punishments inflicted by the Federal Disciplinary Commission, and to the Secretary of the National Fascist Party regarding punishments inflicted by the Federal Secretary, within one month of the date of notification of the sentence, which, in spite of such appeal becomes effective immediately.

He does not have the right to appeal when the punishment has been inflicted by the Secretary of the National Fascist Party, except in cases where new facts or new evidence prove that an error has been made.

Expulsion from the National Fascist Party is inflicted directly by the Secretary of the National Fascist Party or on proposal of the Federal Secretary.

Article 22. Fascists who hold public office of particular importance can not be subjected to proceedings or disciplinary penalties while in office.

Proposed proceedings against them will be brought to the notice of the National Fascist Party informally, and by the latter to the Government.

Disciplinary penalties may be inflicted on Senators and Deputies only by the Secretary of the National Fascist Party.

Article 23. A Fascist who has been suspended from the Party is obliged to abstain from all political activity and can take advantage of no right belonging to him by reason of his Fascist membership.

Within twenty-four hours after he has been notified of the sentence, he must deposit his membership card and badge in the Secretarial Office of the *Fascio di Combattimento* in which he is enrolled.

He is suspended from all offices or duties, unless instructions to the contrary have been given.

The Fascist whose membership card is withdrawn or who is expelled is obliged to resign from all offices, to relinquish all charges, and to return, within twenty-four hours after he has been notified of the sentence, his membership card and badge to the Secretarial Office of the *Fascio di Combattimento* in which he was enrolled.

Article 24. The Federal Secretary, on his own initiative, on the proposal of the Political Secretary of the *Fascio di Combattimento*, or on request of the person concerned, has authority to reconsider the case of the Fascist who has been punished.

A Fascist, who, after having suffered the loss of his membership card, proves himself worthy of readmission has the right to claim his previous standing as regards length of service.

Readmission must be ratified by the Secretary of the National Fascist Party.

Article 25. No punishment may be inflicted or proposed until the charges have been made and the defense carefully examined.

Administration

Article 26. The Administrative Secretary of the National Fascist Party administers the property of the National Fascist Party and is responsible for it.

He is responsible for the compilation of a balance sheet, which he submits to the National Fascist Party for examination and to the Secretary of the National Fascist Party for approval.

Supervision of the accounts of the National Fascist Party devolves on a board of accountants composed of three members elected each year by the National Directorate of the National Fascist Party from persons outside the Directorate.

The board shall present its report to the National Directorate of the National Fascist Party annually.

The Administrative Secretary of the National Fascist Party is in charge of the employment and supervision of its personnel.

The Administrative Secretary of the National Fascist Party approves the estimated and actual budgets of the Federations of

Fasci di Combattimento and of subordinate organizations and supervises the administration thereof through persons specially selected by him.

Article 27. The Federal Administrative Secretary is in charge of the various property transactions of the Federation of *Fasci di Combattimento* and is responsible for them.

He draws up the estimates and accounts and presents them annually to the board of auditors and the Federal Directorate for examination and to the Administrative Secretary of the National Fascist Party for approval.

He provides, according to instructions from the Federal Secretary, for the Administration of the Federation of *Fasci di Combattimento* and its subordinate organizations (excluding the Relief Organizations) on the basis of their respective budgets; he provides for collections and payments within the various allotments made in the budget. In case of possible extraordinary expenditure, he must consult the Federal Secretary, who will request the approval of the Administrative Secretary of the National Fascist Party.

He is responsible for the accuracy of the accounts.

Supervision of the accounts of the Federation of *Fasci di Combattimento* and its subordinate organizations (excluding the Relief Organizations) devolves on a board of three auditors appointed by the Federal Secretary from persons outside the Federal Directorate. Such functions are performed for the Relief Organizations by a board of auditors composed of one accountant in the employ of the Prefecture and two other members appointed by the Prefect.

The Federal Administrative Secretary makes provision directly or through representatives appointed for that specific purpose for the direction and supervision of the administration of the *Fasci di Combattimento*.

He is responsible for the discipline of subordinate personnel.

Article 28. At the opening of each Fascist year the National Directorate of the National Fascist Party will issue instructions regarding the financing of the Federations of *Fasci di Combattimento* and their subordinate organizations.

Article 29. The Administrative Secretary of the *Fascio di Combattimento* has charge of and is responsible for the activities of the *Fascio di Combattimento*.

He compiles the estimated and actual budgets and presents them annually to the board of auditors and the Directorate of the *Fascio di Combattimento* for examination and to the Federation of *Fasci di Combattimento* for approval.

He has charge of obtaining membership cards from the Federal Administrative Secretarial Office.

He is responsible for the custody of liquid funds in a bank to be selected by him in agreement with the Federal Administrative Secretary.

He takes charge of collections and payments on the basis of the estimated budget; he is responsible for the accuracy of the accounts; he carries out the instructions of the Federal Administrative Secretary.

Supervision of the administration and accounts of the *Fascio di Combattimento* devolves on a board of three auditors appointed by the Political Secretary of the *Fascio di Combattimento* from persons outside the Directorate of the *Fascio di Combattimento*.

Membership Cards

Article 30. The membership card of the National Fascist Party is issued gratuitously by the Political Secretary of the *Fascio di Combattimento* to the following:

- (a) Disabled War Veterans;
- (b) Disabled Fascists;
- (c) Families of Fallen Fascists;
- (d) Members who are fathers of families of seven or more children.

Article 31. The Fascist Year begins on October 29.

V

THE LAW OF APRIL 3, 1926, NO. 563, CONCERNING THE LEGAL DISCIPLINE OF COLLECTIVE LABOR RELATIONS

[This is the basic legislation of the Corporative State. It grew out of the work and recommendations of a Parliamentary Commission for Constitutional Reform and established compulsory syndicates whose agreements are enforced by the Government. It substituted the system of collective contracts and Labor Courts for collective bargaining by strikes and lock-outs. In addition it made vague references to Corporations and provided for a Ministry of Corporations whose chief function was to be the more positive co-ordination and regulation of economic interests by means of organizations embracing representatives of both capital and labor. The provisions of the Law were amplified in the supplementary regulations of the Decree of July 1, 1926, which is not included in these selections.]

PART I

On the legal recognition of syndicates and on collective labor contracts

Article 1. Associations of employers and of laborers, intellectual or manual, may be legally recognized if they can prove that they meet the following requirements:

(1) In the case of associations of employers, that the employers voluntarily registered as members employ at least ten per cent of the workers in the trade and district which the

association represents; in the case of associations of employees, that the employees voluntarily registered as members include at least ten per cent of the workers in the trade and district which the association represents.

(2) That, besides protecting the economic and moral interests of its members, the association effectively carries out plans for the insurance, instruction, and moral and patriotic education of its members.

(3) That the director of the association gives proof of his ability, morality, and unswerving loyalty to the nation.

Article 2. When the conditions prescribed in the foregoing Article are met, legal recognition can be given to associations of persons independently engaged in an art, trade, or profession.

Existing and legally recognized orders, colleges, and associations of the liberal professions will continue to be regulated by existing laws and regulations. But such laws and regulations may be amended with a view to co-ordinating them with the provisions of this Law by Royal Decree after consultation with the Council of Ministers.

The constitutions of associations of artists and persons practising liberal professions in existence prior to the promulgation of this Law will also be revised accordingly.

Article 3. The associations referred to in the foregoing Articles shall consist either of employers only or of employees only.

Associations of employers and those of employees may be united by means of central co-ordinating bodies with a common hierarchy of higher officers, always maintaining, however, the separate representation of employers and employees and, in the case of associations comprising several classes of employees, the separate representation of each class.

Article 4. The associations referred to in the foregoing Articles shall be recognized by Royal Decree on proposal of the Minister concerned, acting jointly with the Minister of the Interior, after consultation with the Council of State.¹ The con-

¹ According to Article 10 of the Law of March 20, 1930, No. 206, this was amended to read: "After consultation with the National Council of Corporations" instead of the Council of State.

stitution of an association shall be approved by the same Decree, to be published, at the expense of the association, in the Official Bulletin of the Realm.

The constitution must be explicit as to the purposes of the association, the mode of procedure to be followed in the appointment of its executive officers, and the conditions prescribed for the admission of members, one of which must be sound political conduct as regards loyalty to the nation.

The constitution may provide for the establishment of vocational schools, institutions for the economic assistance and moral and patriotic education of members, and institutions intended to promote and improve national production, culture, or art.

Article 5. Legally recognized associations have legal personality and legally represent all the employers, laborers, employees, artists, or professional men of the particular class for which they are formed within the territorial limits of the association, whether they are registered as members or not.

Legally recognized associations have the right to levy annual dues on all employers, laborers, employees, artists, or professional men whom they represent, whether they are registered as members or not, of an amount not to exceed, in the case of employers, one day's wage for each employee, and, in the case of employees, one day's wage. At least ten per cent of the sums thus collected must be set aside annually and paid into a capital fund to guarantee the liabilities incurred by the associations with reference to the collective contracts which they have stipulated; said fund to be administered in accordance with the rules set forth in the regulations.

Firms are required to declare to the associations which represent them, not later than March 31 of each year, the number of persons in their employ. False or incomplete declarations render such firms liable to a fine not to exceed 2,000 lire.

For the collection of these funds the rules laid down by law for the collection of municipal taxes shall apply; the quotas due from the workers are collected by deductions from wages or salaries, the sums being paid into the treasury of the associations.

Only regularly registered members may participate in the

activities of the associations and in the election or other form of appointment of its officers.

Only legally recognized associations may appoint representatives of employers or employees to all councils, corporations, or other bodies in which such representation is provided for by law.

Article 6. Associations may be communal, district, provincial, regional, inter-regional, or national.

Federations, or unions of several associations, and confederations of several federations may also be legally recognized under the provisions of this Law. The recognition of such federations or confederations implies *ex officio* recognition of the several member associations or federations. Federations or confederations exercise disciplinary powers over their member associations, as well as over the individual members of same, in accordance with the provisions of their respective constitutions.

Only one association may be legally recognized for any one class of employers, employees, artists, or professional men. Similarly, only one federation or confederation of the type referred to in the preceding paragraph may be legally recognized for the class or classes of employers or employees represented within the district assigned to each.

Whenever a national confederation shall have been recognized for all the classes of employers or employees in agriculture, industry, or commerce, or for all the classes of artists or professional men, the recognition of federations or associations which do not form part of these confederations shall be prohibited.

In no case may an association be recognized that without authorization by the Government is affiliated with or dependent on an international association.

Article 7. Each association shall have a president or secretary who directs and represents it and is responsible for its work. The president or secretary is to be elected or appointed in accordance with the provisions of the constitution of the association.

The appointment or election of presidents or secretaries of national, inter-regional, and regional associations is not valid unless it is approved by Royal Decree on proposal of the Min-

ister concerned, acting jointly with the Minister of the Interior. This approval may be revoked at any time.

The appointment or election of presidents or secretaries of provincial, district, and communal associations is not valid unless it is approved by Decree of the Minister concerned, acting jointly with the Minister of the Interior. This approval may be revoked at any time.

The constitution must provide for a body with power to discipline members or to expel them in case of unworthy moral or political conduct.

Article 8. The president or secretary of an association is to be assisted by a Council of Directors, elected by the members of the association in the manner prescribed by its constitution.

Communal, district, and provincial associations are subject to the supervision of the Prefect and are under the guardianship of the Provincial Assembly, who perform these functions in the manner prescribed in the regulations. Regional, inter-regional, and national associations are under the supervision and guardianship of the Minister concerned.

The Minister concerned, acting jointly with the Minister of the Interior, can dissolve the Council of Directors of an association and concentrate all authority in the hands of the president or secretary for a period not to exceed one year. He can also, in serious cases, entrust the special administration to a commissioner of his choice.

In the case of associations affiliated in a federation or confederation by a decree granting recognition to said federation or confederation and approving its constitution, it may be provided that supervision and control be exercised in whole or in part by the federation or confederation.

Article 9. Similarly, when serious circumstances demand or in any case when the conditions for recognition of an association prescribed in the foregoing Articles cease to be complied with, said recognition may be revoked by Royal Decree, on proposal of the Minister concerned, acting jointly with the Minister of the Interior after consultation with the Council of State.¹

Article 10. Collective labor contracts made by the legally

¹ See footnote on Article 4 above.

recognized associations of employers, employees, artists, or professional men, are obligatory on all employers, employees, artists, or professional men in the classes referred to in the contracts or represented in the associations in accordance with the provisions of Article 5 of this Law.

Collective labor contracts are void unless written. They are also null and void if they fail to state the period for which they hold good.

The central co-ordinating bodies, provided for in Article 3 of this Law, may establish, by agreement with the representatives of employers and employees, general norms and conditions for labor, valid for all employers and employees of the class to which said norms refer and represented in accordance with the provisions of Article 5 of this Law by the joint associations.

A copy of all collective contracts drawn up in accordance with the provisions of the preceding paragraphs must be filed with the local prefecture and published in the announcements of the Province in the case of communal, district, or provincial associations; in the case of regional, inter-regional, or national associations, filed with the Ministry of National Economy and published in the Official Bulletin of the Realm.

Employers and employees who fail to abide by collective contracts and general rules to which they are subject are to be held civilly responsible for violations of same both toward the associations of employers and those of employees.

Additional regulations concerning the terms and contents of collective labor contracts will be made by Royal Decree on proposal of the Minister of Justice.

Article 11. The provisions of this Law on the legal recognition of syndical associations do not apply to associations of employees of the State, the Provinces, the municipalities, or public philanthropic institutions, for whom provision will be made by other legislation.

All associations of officers, non-commissioned officers, and soldiers in the army, navy, and air forces, and of other armed bodies of the State, Provinces, and municipalities, and associations of magistrates of the judicial and administrative orders, and

of officials, employees, and dependents of the Ministries of the Interior, Foreign Affairs, and Colonies,¹ are, therefore, forbidden under penalty of dismissal, loss of rank, and removal from office, and other disciplinary measures to be prescribed in the regulations according to the several cases.

Article 12. Associations of employers, employees, artists, and professional men not legally recognized may continue to exist as *de facto* associations, under the existing laws of the land, with the exception of those forbidden in the second paragraph of the preceding Article.

The provisions of the Royal Decree of January 24, 1924, No. 64, are applicable to them.

PART II

Of Labor Courts

Article 13. All controversies arising as to the regulation of collective labor relations, whether they concern the application of collective contracts and other existing regulations, or whether they concern demands for new labor conditions, are subject to the jurisdiction of the Courts of Appeal acting as Labor Courts.

Before coming to a decision, the President of the Court must attempt a conciliation.

Controversies referred to in the foregoing provisions may be arbitrated in accordance with the provisions of Article 8 *et seq.* of the Civil Code.

The powers of the Board of Arbitrators (*Collegi dei probi-viri*) and of the Provincial Arbitration Commissions in cases concerning private employment, as stated in the Law of June 15, 1893, No. 295, and by the Royal Decree of December 2, 1923, No. 2686, are not curtailed.

Appeals against the decisions of such Boards and Commissions and of other jurisdictional bodies on private labor contracts, in so far as they are not subject to appeal under existing legisla-

¹ The officials, employees, and dependents of the Ministry of Corporations were added to this list by Article 5 of the Royal Decree of March 17, 1927; the Royal Household by the Royal Decree of January 13, 1930; and the Attorney General by the Law of April 13, 1933.

tion, devolve upon the Courts of Appeal acting as Labor Courts.

Article 14. In order that the Courts of Appeal may function as Labor Courts, there shall be constituted in each of the sixteen Courts of Appeal a special session composed of three magistrates, one as President of the session and the others as councillors of the Court of Appeal, to whom shall be added on occasion two citizens expert in the problems of production and labor, selected by the First President in accordance with the rules prescribed in the next Article.

Such modifications in the judiciary and in the staff of the chancelleries of the Courts as are necessary to carry out the above provisions will be made by Royal Decree, on proposal of the Minister of Justice, acting jointly with the Minister of Finance.

Article 15. At each Court of Appeal a panel shall be drawn up of citizens expert in the problems of production and labor, divided into groups and sub-groups according to the various types of business activities carried on within the jurisdiction of the Court. This panel shall be revised every two years.

Rules for the formation and revision of these panels and the allowance and other remuneration to which said experts are entitled when called to act in a judicial capacity, will be made by Royal Decree, on proposal of the Minister of Justice, acting jointly with the Minister of National Economy.

Every year the First President shall select from each group and sub-group the members of the panel to be called to act as expert advisers in cases arising in the industries they represent. No one whose interests are directly or indirectly concerned in the controversy may act as a member of the judicial board.

Article 16. The Court of Appeal acting as a Labor Court in the application of existing contracts passes judgment according to the provisions of the law on the interpretation and execution of contracts, and in the formulation of new labor conditions, according to equity, adjusting the interests of employers to those of employees and in every case safeguarding the superior interests of production.

In cases of the formulation of new conditions of labor, the period for which they are valid must always be stated, said

period, as a rule, to be that established by custom in the case of agreements freely entered into.

Decisions of the Court acting as a Labor Court are given after hearing the oral argument of the Public Prosecutor.

Decisions of the Court of Appeal acting as a Labor Court may be appealed to the Court of Cassation on the grounds stipulated in Article 517 of the Civil Code.

Special rules of procedure to be followed in taking cognizance of a case and in enforcing the decision of the Court, in derogation, if necessary, of the ordinary rules of procedure in the Civil Code, will be made by Royal Decree, on proposal of the Minister of Justice.

Article 17. Only legally recognized associations have the right to take action in disputes arising out of collective labor contracts, and such action must be taken against legally recognized associations, when they exist; otherwise against a trustee specially appointed by the President of the Court of Appeal. In the latter case voluntary intervention on the part of individuals is admitted.

When associations of employers or employees are affiliated in federations or confederations, or when they have formed central co-ordinating bodies, action at law can not be taken against them unless it can be shown that the federation or confederation or central co-ordinating body has attempted to bring about a friendly settlement of the dispute, and that the attempt has failed.

Only legally recognized associations can represent in Court all the employers or employees of the class in the district for which they are formed.

Judgments rendered against them shall be valid for all concerned and shall be published, in the case of communal, district, and provincial associations, in the provincial announcements; in the case of regional, inter-regional, and national associations, in the Official Bulletin of the Realm.

All deeds and documents relative to proceedings before the Court of Appeal acting as a Labor Court and to whatever provisions may emanate therefrom are exempt from stamp duty and registration fees.

PART III

Of Lock-outs and Strikes

Article 18. Lock-outs and strikes are prohibited.

Employers who without justifiable motive and merely to obtain from their employees modifications of existing labor contracts suspend work in their factories, establishments, firms, or offices, shall be liable to a fine of from 10,000 to 100,000 lire.

Employees or workers who, to the number of three or more, by previous agreement, leave their work or perform it in such a manner as to disturb its continuity or regularity, in order to obtain different labor contracts from their employers, shall be liable to a fine of from 100 to 1,000 lire. The provisions of Articles 298 *et seq.* of the Penal Code are applicable to the procedure.

When the authors of the crimes mentioned in the foregoing paragraphs are numerous, the leaders, promoters, and organizers shall be liable to imprisonment for from one to two years in addition to the fine imposed as above.

Article 19. Employees of the State and of other public bodies or bodies performing essential public services who, to the number of three or more, by previous agreement, leave their work or perform it in such a manner as to disturb its continuity or regularity, shall be liable to imprisonment for from one to six months. The provisions of Articles 298 *et seq.* of the Penal Code are applicable to the procedure. The leaders, promoters, and organizers shall be punished by imprisonment for from six months to two years and by removal from public office for not less than three years.

Persons engaged in public services or services essential to the public who, without justifiable motive, suspend work in their establishments, concerns, or offices, shall be punished by imprisonment for from six months to one year and by a fine of from 5,000 to 100,000 lire, besides temporary removal from public office.

When the action referred to in this Article endangers personal safety the penalty of restriction of personal liberty shall be imprisonment for not less than one year. If such action should cause the death of one or more persons the penalty shall be imprisonment for not less than three years.

Article 20. Employees of the State and of other public bodies, persons engaged in public services and services essential to the public, and their dependents, who in the event of strikes and lock-outs fail to do all in their power to secure the continual operation or resumption of their services shall be punished by imprisonment for from one to six months.

Article 21. When suspension of work on the part of employers or leaving work or performing it irregularly on the part of employees has as its aim coercing the will or influencing the decisions of a department or organ of the State, Provinces, or Communes, or of a Government official, the leaders, promoters, and organizers shall be punished by imprisonment for from three to seven years and by permanent removal from public office; and the other persons concerned in such an offense shall be liable to imprisonment for from one to three years and to temporary removal from public office.

Article 22. Without interfering with the enforcement of the provisions of the common law on civil liabilities for breach of contract and on execution of sentences imposed by the Court, employers and employees who refuse to abide by the decisions of the Labor Court shall be punished by imprisonment for from one month to one year and by a fine of from 100 to 5,000 lire.

Directors of legally recognized associations who refuse to enforce the decisions of the Labor Court shall be punished by imprisonment for from six months to two years and by a fine of from 2,000 to 10,000 lire, in addition to dismissal from office.

If convicted parties resort to strikes and lock-outs in conjunction with their failure to abide by decisions of the Labor Court, the provisions of the Penal Code on repeated offenses and the penalties applicable thereto will apply.

Article 23. All previous legislation contrary to this Law is rescinded.

His Majesty's Government is authorized to make the necessary regulations, by Royal Decree, for carrying this Law into effect and for co-ordinating it with the provisions of the Royal Decree of October 19, 1923, No. 2311, of the Law of June 15, 1893, No. 295, to be revised as needed, and with all other laws of the State.

VI

THE LABOR CHARTER, APRIL 21, 1927

[This document which is commonly supposed to supplant the Rights of Man of the French Revolution, to be a genuine Social Contract, and to mark the last word in labor legislation, was passed by the Grand Council of Fascism and published on the Fascist Labor Day, April 21, 1927. It had been championed for some time previously by Rossoni, and a tentative draft for it had been drawn up by him in December. Rossoni's draft was more specific and was conceived more as a concrete codification of fundamental labor conditions to be applied to the collective contracts. But as it got into the hands of the Ministry of Corporations and received the criticism of the politicians and the employers, it was modified into a general statement of principles having a moral and constitutional rather than a strictly legal value. Nevertheless it has been of practical value in guiding the policies of the Government and the decisions of the Labor Courts, which have already erected a substantial amount of labor law on the foundation of this Charter.]

Of the Corporative State and Its Organizations

1. The Italian nation is an organism having ends, life, and means of action superior to those of the separate individuals or groups of individuals that compose it. It is a moral, political, and economic unity integrated in the Fascist State.

2. Labor in all its forms, organizing, executive, intellectual, technical, and manual, is a social duty. As such and only as such it is safeguarded by the State.

From the national point of view the whole of production is a single process; it has a single aim which may be summed up in the welfare of individuals and the growth of the national power.

3. Professional or syndical organization is free, but only those syndicates regularly recognized and subjected to the control of the State have the right to represent legally the whole class of employers or employees for which they are established; to pursue their interests in their relations with the State and with other occupational associations; to draw up collective labor contracts binding on all those who belong to that class; to levy dues and to exercise the functions of delegates of the public interest with respect to them.

4. In the collective labor contract the solidarity between the various factors of production finds its concrete expression, by means of the conciliation of the opposed interests of employers and employees and their subordination to the higher interests of production.

5. The Labor Court is the organ by which the State intervenes to regulate labor disputes, whether they arise from the application of existing contracts or other rules or whether they arise in the determination of new labor conditions.

6. The legally recognized occupational associations assure legal equality between employers and employees, maintain the regulation of production and labor, and undertake to perfect it.

The Corporations constitute the united organization of the forces of production and represent its integrated interests.

By virtue of this integral representation, the interests of production being national interests, the Corporations are recognized by law as organs of the State.

As representatives of the interests of production as a whole, the Corporations may establish compulsory regulations for labor relations and also for the co-ordination of production whenever they are vested with the necessary powers for this purpose by the associations which they unite.

7. The Corporative State regards private initiative in the field of production as the most effective and useful instrument of the national interest.

Since the private organization of production is a function of national interest, the organizer of an enterprise is responsible to the State for its management. From the co-operation of the productive forces it follows that they have mutual rights and duties. The employee, whether a technical expert, clerk, or laborer, is an active co-operator in the economic enterprise, the direction of which belongs to the employer who is responsible for it.

8. The occupational associations of employers are obliged to promote in every way the increase and perfection of their products and the reduction of costs. The representatives of those who practise a liberal profession or art and the public associations co-operate in protecting the interests of art, science, and literature, in perfecting their production, and in pursuing the moral ends of the corporative order.

9. The intervention of the State in economic production takes place only when private initiative is lacking or insufficient, or when the political interests of the State are at stake. Such intervention may assume the form of control, encouragement, or direct management.

10. In collective labor disputes judicial action cannot be attempted unless the corporative organ has first made an attempt at arbitration.

In individual disputes concerning the interpretation and application of collective labor contracts, occupational associations have the power to offer their services as arbitrators.

Competence to handle such disputes devolves on the ordinary magistrates with the addition of experts named by the interested occupational associations.

Of Collective Labor Contracts and Labor Guarantees

11. Occupational associations are obliged to regulate by collective contracts the labor relations between the groups of employers and laborers whom they represent.

A collective labor contract is made between associations of the first rank, under the guidance and control of central organi-

zations, except for the power of substitution granted to the associations of higher rank by laws and statutes.

Every collective labor contract, under penalty of being null and void, must contain precise rules on disciplinary measures, trial periods, the amount and payment of compensation, and the hours of labor.

12. The action of syndicates, the conciliatory work of corporative organs, and the sentences of labor tribunals shall guarantee that wages shall correspond to the normal needs of life, the possibilities of production, and the labor return.

The determination of wages is freed of all general rules whatsoever and is entrusted to agreements between the collective contracting parties.

13. [The consequences of crises in production and financial phenomena must be equally borne by all factors of production.]¹ The data published by the public administrations, by the Central Institute of Statistics, and by the occupational organizations legally recognized on conditions of production and labor, market and financial conditions, and on variations in the standard of living of employees, co-ordinated and elaborated by the Ministry of Corporations, will yield a criterion by which the interests of the various groups and classes may be adjusted to each other and to the higher interest of production.

14. Wages shall be paid in whatever form is most suitable to the needs of the worker and of the firm.

When remuneration is based on piece-work and the accounting of the piece-work is made over periods longer than two weeks, adequate bi-weekly or weekly accounts are required.

Night labor not included in regular periodical shifts is to be compensated by a percentage in addition to the rate for day labor.

When labor is paid on a piece-work basis, the piece-work rates must be constructed in such a way that an industrious worker of normal working capacity is able to earn a minimum amount over and above the basic wage.

15. An employee has the right to a weekly rest on Sunday. Collective contracts shall apply this principle, taking account

¹ This sentence was eliminated in later versions.

of existing legal rules, of the technical demands of the business, and within the limits of such demands shall provide that civil and religious holidays be observed according to local traditions. The hours of labor must be scrupulously and rigorously observed by the employee.

16. After a year of uninterrupted service an employee of a business demanding continuous labor has the right to an annual paid vacation.

17. In businesses as above the laborer has the right, in the case of an interruption in labor relations by dismissal through no fault of his, to an indemnity proportional to his years of service. Such an indemnity must be paid also in the case of the laborer's death.

18. In businesses as above a change of owners does not abolish the labor contract, and the personnel employed retains its rights toward the new employer. Similarly, sickness of an employee that does not exceed a fixed period does not break the labor contract. Being called to arms or service in the Militia is no cause for dismissal.

19. Infractions of discipline and acts which disturb the normal run of a firm committed by employees are punished, according to their seriousness, by a fine, suspension from work, and in serious cases by immediate dismissal without indemnity.

The cases in which the employer can impose fines, suspension, or immediate dismissal without indemnity shall be specified.

20. A new employee is subject to a trial period during which the breaking of the contract by either party can take place with mere payment of wages for the time in which the employee was actually engaged in work.

21. Collective labor contracts extend their benefits and regulations also to domestic workers. Special rules shall be issued by the State to assure hygienic and wholesome working conditions to domestic labor.

Of Employment Agencies

22. Only the State can ascertain and regulate the employment and unemployment of laborers and calculate the complex index of conditions of production and labor.

23. Employment agencies on a bilateral basis are under the control of the corporative organs of the State. Employers are obliged to employ laborers registered in these agencies and have the privilege of selecting from the list of those registered, giving preference to members of the Party and the Fascist Syndicates in order of their seniority as members.

24. Occupational associations of laborers are obliged to exercise a selective activity among laborers, intended to improve continually their technical capacity and personal qualities.

25. The corporative organs must see to it that the laws on the prevention of accidents be observed as well as those governing the work of members of the federated associations.

Of Insurance, Aid, Education, and Instruction

26. Social insurance is another instance of the principle of co-operation. Employers and employees must co-operate proportionately in assuming this task. The State, by means of its corporative organs and occupational associations, shall undertake to co-ordinate and unify as much as possible the system and institutions of insurance.

27. The Fascist State proposes:

- (1) The perfecting of accident insurance;
- (2) The improvement and extension of maternity insurance;
- (3) Insurance against industrial diseases and tuberculosis, as an approach to a general insurance against all sickness;
- (4) The perfecting of insurance for the involuntarily unemployed;
- (5) The adoption of special forms of endowment insurance for young laborers.

28. The administrative and judicial representatives of employees' associations are charged with overseeing accident insurance and social insurance.

In collective labor contracts provision shall be made as far as technically possible for the formation of mutual sickness funds, by means of contributions from both employers and employees

and administered by representatives of both sides under the supervision of the corporative organs.

29. Assistance given to those they represent, whether members or not, is a right and duty of occupational associations. They must exercise their mutual aid functions directly by their own organizations and can not delegate them to other associations or institutions except for general reasons beyond the interests of single groups.

30. Education and instruction is one of the principal duties of occupational associations, especially the vocational instruction of those they represent, members and non-members. They must aid the work of the national organization of *Dopolavoro* and other educational movements.

VII

THE LAW OF JUNE 18, 1931, NO. 875, ON THE COMPOSITION AND FUNCTIONS OF THE PROVINCIAL COUNCILS OF CORPORATIVE ECONOMY

[This law does not belong strictly to the body of constitutional Fascist legislation. It is nevertheless important for the practical working out of the corporative machinery. The Provincial Councils were the outcome of numerous experiments in economic planning conducted both by the syndical federations and by the Fascist Party. With few exceptions the Councils are not as yet very effective agencies of systematic regulation, and according to some critics they exist only on paper. It is probable, however, that if the corporative economy grows according to the present plans of the Government, the Provincial Councils will bear the chief responsibility for carrying out this program in detail.]

Article 1. The Provincial Councils and Offices of Economy shall hereafter be called Provincial Councils of Corporative Economy and Provincial Offices of Corporative Economy respectively, but shall continue to exercise the functions assigned to them by the existing laws and regulations.

The functions of the Provincial Councils of Corporative Economy, in addition to those defined in Article 6 of the present Law, are to co-ordinate and supervise all the technical and economic activities and welfare work carried on in the Province by various organizations under the control of the Ministries of Corporations and Agriculture and Forests.

Article 2. The Council shall consist of:

- (1) The Prefect of the Province as President.
- (2) A Vice-President.

(3) A Presidential Board, composed of the President, the Vice-President, the presidents of the Sections, appointed by decree of the Minister of Corporations in such manner as to assure proportional representation of employers and employees for each Section. The appointment of the president and vice-president of the Section for agriculture and forests shall have the approval of the Minister of Agriculture and Forests.

(4) A General Council, composed of the Presidential Board, the councillors of all the Sections, and the *ex officio* members named in Article 4 below.

(5) The Sections.

(6) Special Committees, to be formed according to the provisions of Article 5.

Article 3. Councillors, to the number fixed by decree of the Minister of Corporations, shall be chosen by the legally recognized occupational associations of employers, employees, professional men, and artists operating within the Province.

The number of representatives of associations of employers shall equal that of representatives of associations of workers, intellectual and manual taken together.

The Minister of Corporations may give the right to choose Councillors (not more than six) to the following institutions: the National Institute of Co-operatives, the National Association of State Savings Banks, the National Association of Land-reclamation and Irrigation Concerns, and other such institutions or public concerns operating within the Province and representing economic interests of relative importance.

The distribution among the professional associations of the number of Councillors to be selected by them and the admission of other institutions to the privilege of selecting Councillors shall be arranged by decree of the Minister of Corporations.

Councillors shall be appointed by decree of the Prefect.

Article 4. The following persons are *ex officio* members of the Council:

- (1) The Inspector of Corporations.
- (2) The local Inspector of Agriculture.

(3) The Director of the provincial travelling agricultural stations.

(4) The Commandant of the local corps of the Forestry Militia.

(5) The Head of the local office of civil engineers.

(6) The Veterinary of the Province.

These members attend the meetings of the General Council and may be called upon by the President to attend other meetings, in all cases with merely advisory vote.

The heads of local branches of other Government offices operating within the Province may also be called upon by the President to attend particular meetings of the Council, their vote being merely advisory.

Article 5. Special Committees of members of the Council may be formed within the Provincial Council of Corporative Economy, by decree of the Minister of Corporations, to deal with the technical aspects of particular problems, or the management of special concerns, services, or the like.

Whenever the problems to be dealt with concern agriculture, forestry, land-reclamation, or agricultural loans, the appointment of these Committees shall be made by agreement with the Minister of Agriculture and Forests.

The composition of these Committees, their qualifications and powers, in comparison with those of the Presidential Board, the General Council, and the Sections, shall be defined by decree of the Minister of Corporations.

Article 6. The functions of the Provincial Councils of Corporative Economy, in addition to those specified in Article 3 of the Royal Decree of June 16, 1927, No. 1071 (which became the Law of May 10, 1928, No. 1027), shall be:

(1) To co-ordinate the activities of the various syndical associations and other supplementary bodies in the Province toward the improvement and increase of production, in compliance with the eighth clause of the Labor Charter.

(2) To co-ordinate the welfare work of syndical associations and other institutions founded or promoted by them, in com-

pliance with the eighth clause of the Labor Charter and Article 4, last paragraph, of the Law of April 3, 1926, No. 563.

(3) To control employment agencies within the Province and to co-ordinate their activities and to exercise the functions specified in Article 6 of the Royal Decree of March 29, 1928, No. 1003 and in the regulations approved by the Royal Decree of December 6, 1928, No. 3222, acting in place of the Sections of Labor and Social Insurance which were suppressed. The special rules applicable to the employment of seamen and port-workers specified in Article 1, last paragraph, of the aforesaid Royal Decree of March 29, 1928, No. 1003, remain unchanged.

In derogation of Article 2 of the Royal Decree and Law of June 16, 1927, No. 1071, the functions concerning the encouragement of economic initiative referred to in the second paragraph of the aforesaid Article are to be transferred to the Provincial Councils of Corporate Economy. . . .

Article 7. The functions of the President shall be:

(1) To call and preside over meetings of the General Council and of the Presidential Board.

(2) To fix the agenda for the meetings of said Council and Board.

(3) To propose to the Minister of Corporations the formation of Special Committees, by previous agreement with the Section or Sub-section of the General Council concerned, when the establishment of, or participation in, special services or organizations is under consideration.

(4) To order the necessary regulations for the usual work of the organs of the Council and for whatever else may be demanded of them by the Minister of Corporations.

The Vice-President assists the President and may substitute for him in the performance of all his duties.

Article 8. The duties of the Presidential Board shall be:

(1) To prepare the budget and accounts.

(2) To take such action in urgent cases as would be taken by the Grand Council, such action to be submitted to the Grand Council for ratification at the first possible meeting.

(3) To perform the duties imposed on it by the President.

(4) To consider the matters and exercise the authority specified in Article 3 of the Royal Decree of June 16, 1927, No. 1071, and in Article 6 of the present Law, except when the Board decides to defer judgment in such matters or authority in such cases to the Grand Council.

Furthermore, the Board is entrusted with the preparation and revision of the panels of citizens to be called as expert advisers in the Labor Courts, or as assistants in the Labor sections of the ordinary courts, as specified in Article 61 of the Royal Decree of July 1, 1926, No. 1130, and by Articles 20 *et seq.* of the Royal Decree of February 26, 1928, No. 471.

In the exercise of the functions specified in Article 6 (3), besides the President of the Board, only members representing those syndical associations of employers and employees having employment agencies in the Province shall take part in the deliberation.

In such cases the meetings shall also be attended by the Inspector of Corporations, the Director of the Institute of Social Insurance, a representative of the National Institute for the Protection of Disabled War Veterans, and, at the request of the Board, the presidents of the administrative boards of the employment agencies, all with merely advisory vote.

The Presidential Board shall be convened by order of the President, or at the request of one half its members.

Article 9. The duties of the General Council shall be:

(1) To examine the budget and accounts and to submit them to the Minister of Corporations for approval.

(2) To decide upon the establishment of, or participation in, special services, organizations, or concerns.

(3) To settle complaints against the dues levied by the Council, under the provisions of Article 21 of the Law of April 18, 1926, No. 731.

(4) To take action or give advice on such questions as are submitted to it by the Minister of Corporations or by the President.

Additional rules may be made giving the Council authority to act on other matters.

The General Council shall meet in two regular sessions, one in Spring and one in Autumn, and may meet in special sessions by order of the President or at the request of the Minister of Corporations, of the Presidential Board, or of one half its members.

Article 10. The Sections shall:

(1) Discuss matters submitted to them by the President of the Council.

(2) Make suggestions in cases they are qualified to deal with, which shall be submitted for approval to the General Council or to the Presidential Board, as the case may demand.

(3) Carry on investigations, studies, and research in the fields assigned them by the Council and submit the necessary reports to the President of the Council.

A Section shall be convened on order of its president, or at the request of one half its members.

The President of the Provincial Council of Corporative Economy may call a joint meeting of two or more Sections, when the matters under consideration involve the interests of several branches of production represented in different Sections.

Article 11. The Committees formed according to Article 5 shall deal with the matters for which they are qualified; they shall prepare reports to be submitted to the President, manage the concerns, organizations, and special services placed in their charge and perform all duties devolved on them by other organs of the Council.

Meetings of the Committees are called by their presidents, as needed, with the approval of the President of the Council.

Article 12. When the organs of the Council, or the concerns, organizations, or services in their charge or created by them, fail to function as prescribed by law and regulations or required in order to achieve the aims of the concerns, the Minister of Corporations shall have the right to issue orders for the performance of these duties, including the right to draw drafts and charge expenses entailed against their budgets.

The Minister of Corporations, at all times by virtue of his office, or acting on complaints, shall have the right to annul resolutions passed by the organs of the Council, when they conflict with existing laws and regulations or with the ultimate aims of the institutions.

The same applies to resolutions made by the management of concerns, organizations, or special services, when these conflict with laws, regulations, etc.

Resolutions concerning agriculture or forests can be annulled only by agreement with the Minister of Agriculture and Forests.

Article 13. Provincial Councils of Corporative Economy may be dissolved by Royal Decree on proposal of the Minister of Corporations by agreement with the Minister of the Interior.

When a Council is dissolved, its functions are performed by a committee of three representing the employers, the employees, and the professional men and artists, besides the Prefect of the Province, who presides. This Committee is appointed by Royal Decree on proposal of the Minister of Corporations by agreement with the Minister of the Interior.

The limit of time allowed for the reorganization of the organs of the Council shall be specified in the decree, but it may not exceed six months.

The provisions specified in the present Article entail no penalties either administrative or judicial.

Article 14. At the request of the Council concerned, or by virtue of his office, the Minister of Corporations may establish special services to undertake specified duties of the Councils or Offices in a given region or in adjoining Provinces, and in their interests, under the Council or Office of the capital of the region or usually one of the Councils or Offices concerned.

The same procedure is applicable to the study of such matters or enterprises as concern more than one Council or Office.

When special services of this kind are to deal with problems of agriculture or forestry, they shall be established by agreement with the Minister of Agriculture and Forests.

The expenses of these services and studies shall be met by the Councils concerned, being apportioned among them by the Minister of Corporations.

Article 15. Those who, on their own account or as representatives of institutions, companies, firms, or private parties, fail to furnish the Councils or Offices the data required by law, or furnish false or incomplete data, are liable to a fine of from 100 to 1,000 lire.

Article 16. The King's Government is empowered to collect under a single head the provisions of this Law and other laws on the Councils and Offices of Corporative Economy, and to make such rules and regulations for modifying them as shall be necessary to make them consistent with the other laws of the State.

The powers conferred on the King's Government by virtue of Article 8, first paragraph, of the Law of January 3, 1929, No. 16, are extended to this Law: to formulate the general rules, special measures, and other regulations required to put into effect the laws on the Provincial Councils and Offices of Corporative Economy.

Previous legislation contrary to this Law is rescinded.

VIII

THE LAW OF FEBRUARY 5, 1934, NO. 163, ON THE CORPORATIONS

[The earlier Fascist labor legislation had created a system of compulsory State syndicalism in which employers and employees were given separate associations. It was repeatedly stated, however, that the aim of this legislation was to create corporative bodies, that is, associations in which employers and employees would unite for the co-operative and constructive regulation of economic affairs. The establishment of Corporations proved to be a delicate and difficult task, to which the Ministry of Corporations devoted itself assiduously during the years 1926 to 1934. This Ministry faced the opposition not only of those conservative Fascists who were hostile to the whole syndicalistic machinery but also of the Fascist labor leaders who feared that the labor organizations would lose their power in these "mixed" bodies.¹ Even the Law creating the National Council of Corporations, 1930, failed to create specific working bodies, such as the Corporations were designed to be. They finally came into being in 1934 according to the following Law which paved the way for the decree establishing the present twenty-two Corporations.²]

Article 1. The Corporations, mentioned in the sixth clause of the Labor Charter, in the Law of April 3, 1926, No. 563, and in the Royal Decree of July 1, 1926, No. 1130, shall be established by decree of the Head of the Government on proposal of the

¹ See Schneider: *The Fascist Government of Italy*, pp. 66-73.

² *Ibid.*, p. 98.

Minister of Corporations with the approval of the Central Corporative Committee.

Article 2. The Corporations shall be presided over by a Minister or Under-Secretary of State or by the Secretary of the National Fascist Party, nominated by decree of the Head of the Government.

Article 3. The decree establishing the Corporations shall determine of how many members its Council shall be composed and how many of them shall be chosen by each of the combined associations.

Their nominations shall be approved by decree of the Head of the Government on proposal of the Minister of Corporations.

Article 4. In the Corporations in which occupations from various branches of economic activity are represented special sessions may be formed whose recommendations must be approved by the Corporation.

Article 5. The Head of the Government, in matters pertaining to various branches of economic activity, may order that two or more Corporations meet together.

Combined Corporations, in respect of said matters, shall have the same powers as are granted to single Corporations by the following Articles.

Article 6. On proposal of the Minister of Corporations, with the approval of the Central Corporative Committee, the Head of the Government may appoint by decree Corporative Committees for the regulation of economic activities concerning particular products, calling to participate in them representatives of the economic groups interested, of the Departments of State concerned, and of the National Fascist Party.

The recommendations of the Corporative Committees shall be submitted for approval to the respective Corporations and to the General Assembly of the National Council of Corporations.

Article 7. The associations combined in a Corporation become autonomous as syndical bodies but continue to belong to their respective Confederations, according to regulations to be made by the Minister of Corporations.

Article 8. Besides exercising the functions and powers men-

tioned in the Law of April 3, 1926, No. 563 and in the Royal Decree of July 1, 1926, No. 1130, a Corporation shall make rules for the collective regulation of economic matters and for the unified direction of production.

A Corporation shall exercise said function on recommendation of the appropriate Ministers, or on the request of one of the combined associations, with the consent of the Head of the Government.

Article 9. Agreements made according to Article 12 of the Law of March 20, 1930, No. 206, by syndical associations combined into a Corporation must have the opinion of the Corporation before obtaining the approval mentioned in Article 11 of the present Law.

Article 10. A Corporation, within its own field, shall have the power to fix rates (in the manner specified in the second paragraph of Article 8) for economic employment and services, as well as prices for goods offered to the public for consumption on a privileged basis.

Article 11. The regulations, agreements, and rates mentioned in the preceding Articles shall be subject to the approval of the General Assembly of the National Council of Corporations and shall become compulsory when they are published by decree of the Head of the Government in the Official Bulletin of laws and decrees of the Realm.

The rules governing sanctions to be applied in cases of violation of said regulations, agreements, and rates on the part of individuals are those which govern collective labor contracts.

Article 12. A Corporation shall pass judgment on all questions that commonly interest the particular branch of economic production for which it is established, whenever it is so requested by the public administration concerned.

The Head of the Government may determine by decree that, for particular matters, public administrations must request the judgment of the Corporations concerned.

By the decree establishing a Corporation or by subsequent decree, to be published in the Official Bulletin of laws and decrees of the Realm, the Head of the Government may suppress any advisory commissions that may exist for the branch of economic

activity for which the Corporation is formed, whatever the nature of said commissions.

Article 13. Attempts to arbitrate collective labor disputes shall be entrusted to the Corporation by means of a board of arbitration composed of members of the Corporation itself, chosen from time to time by its President, in view of the nature and object of the particular dispute.

Article 14. All provisions contrary to or incompatible with the present Law are rescinded.

The King's Government has the power to make the necessary regulations for co-ordinating the present Law with the Laws of April 3, 1926, No. 563; March 20, 1930, No. 206; July 16, 1932, No. 834; January 12, 1933, No. 141; and any other Law of the State.

Article 15. By Royal Decree, on proposal of the Head of the Government with the authorization of the Council of Ministers, the composition of the organs of the National Council of Corporations may be modified.

IX

THREE ADDRESSES BY MUSSOLINI ON CORPORATIVE ECONOMY

[The first of these addresses was made by Mussolini after he had read the resolution of the National Council of Corporations as follows:

"The National Council of Corporations defines the Corporations as the instrument, guided by the State, for realizing the integrated, organic, and unified regulation of the productive energies of the Italian people, in order to promote its wealth, political power, and welfare;

"It affirms that the number of Corporations to be constituted according to the chief branches of production must be adapted as closely as possible to the real necessities of the national economy;

"It determines that the Chief of Staff of the Corporations should include representatives of the administration of the State, of the Party, of capital, of labor, and of technology;

"It assigns to the Corporations the specific tasks of compulsory arbitration and consultation in dealing with the most important problems, and the enactment, by means of the National Council, of laws regulating the economic life of the nation;

"It refers to the Grand Council of Fascism the decisions of a political and constitutional nature necessary for the further development of the Corporations, in view of the consequences of their effective organization and practical operation."

This resolution and the subsequent speech marked the culmination of a protracted discussion among Fascists in general

and particularly in the various sessions of the National Council of Corporations concerning the nature, number, and functions of the Corporations. It led directly to the Law of February 5, 1934, which created the twenty-two Corporations.¹

The second speech was delivered before the Senate in closing the discussion of the Law on Corporations. It is really a continuation and summary of his address to the National Council of Corporations several months before.

His address to the National Council in 1936, on the other hand, not only reiterated the main contentions of his earlier speeches but also definitely championed the theory of economic autonomy and outlined a plan for achieving it. This enthusiasm for autonomy must be understood against the background of the League of Nations Sanctions as well as against the more general background of increasing international economic rivalry. In this connection it might be well to recall the speech which accompanied the recent measures of devaluation of the lira, which indicated a slight relaxing of the rigorous plan for autonomy that grew out of the Ethiopian campaign.]

MUSSOLINI'S ADDRESS TO THE GENERAL ASSEMBLY OF THE NATIONAL COUNCIL OF CORPORATIONS, NOVEMBER 14, 1933

The applause with which my statements were received yesterday makes me question this morning whether or not it is necessary to make a speech explaining a document which appealed directly to your intelligence, interpreted your convictions, and aroused your revolutionary sentiments. However it may interest you to know along what lines of reasoning and thought I arrived at the conclusions which I formulated last evening.

But first of all I want to congratulate this Assembly and express my delight over the discussions that have taken place. Only the feeble-minded need be astonished to see differences arise and discussions occur among us. Such things are inevi-

¹ See above; also Schneider: *The Fascist Government of Italy*, pp. 95 ff.

table, I might say necessary. Harmony is harmony, not cacophony. On the other hand, in the discussion of a problem as delicate as this one, it is perfectly logical and inevitable that each should bring to it not only his own background of beliefs, not only his own state of mind, but also his own personal temperament. The most abstract philosopher, the most transcendental metaphysician can not totally ignore or set aside his personal temperament.

You will remember how on October 16 of the Tenth Year, before the thousands of Party officers gathered in the Piazza Venezia at Rome for the celebration of the tenth anniversary, I asked: Is this crisis that has tortured us for four years—we have now lived through one month of the fifth—is this crisis *in* our system or *of* it? A grave question, a question which can not be answered immediately. To answer it, it is necessary to reflect, to reflect long and to arm oneself with facts. Today I reply: The crisis has penetrated the system so profoundly that it has become a crisis *of* the system. It is no longer a mere lesion, it is a constitutional disease. Today we can assert that the capitalistic method of production has been superseded, and with it the theory of liberal economics that illustrated and defended it.

I want to trace for you in broad outline the history of capitalism in the last century, which might be called the century of capitalism. But first of all, what is capitalism? We do not need to confuse capitalism and the bourgeoisie. The bourgeoisie is something else. It is a mode of being that may be great or petty, heroic or philistine. Capitalism, on the contrary, is a particular type of production, it is a system of industrial production. In its perfect expression capitalism is a system of mass production for mass consumption, by mass finances, that is, by issuing incorporated capital, both national and international. Capitalism is therefore industrial and has not shown great importance in the field of agriculture.

I would distinguish three periods in the history of capitalism: the dynamic period, the static period, and the decadent period. The dynamic period extends from 1830 to 1870. It coincides with the introduction of the power-loom and the appearance of the steam-engine, the rise of the factory. The factory is the

typical manifestation of industrial capitalism. This is the period of big margins, and hence the law of free competition and the struggle of all against all had full play. The fallen and the dead are picked up by the Red Cross. In this period, too, there are crises, but they are clinical crises, not long or universal. Capitalism still has enough vitality and strength to recover brilliantly. This is the period in which Luigi Filippo cries: "Get rich." Cities spring up. Berlin, which had 100 thousand inhabitants at the beginning of the century, reaches a million; Paris from 560 thousand at the time of the French Revolution also reaches nearly a million. Similarly London and the cities across the Atlantic. In this first period of the life of capitalism selection really operates.

And there are also wars. These wars can not be compared with the World War through which we have lived. They are short wars. The Italian war of 1848-49 lasted four months during the first year, four days during the second; the war of 1859 lasted a few weeks. The same may be said of the war in 1866. The Prussian war did not last longer. The war of the Dukes in 1864 against Denmark lasted a few days; that of 1866 against Austria, which was a consequence of the former, lasted a few days and ended at Sadowa. Even that of 1870, which included the tragic day of Sedan, did not last more than two seasons. These wars, I dare say, in one sense stimulated the economic life of the countries, so that it is true that hardly eight years afterward, in 1878, France had already sufficiently recovered to organize the World's Fair, an event which made Bismarck do some thinking. What took place in America we should perhaps not call heroic. That is a word we must reserve for affairs of a strictly military nature; but the conquest of the Far West was certainly difficult and exacting and had the risks and the losses of a great conquest.

This dynamic period of capitalism lasted from the appearance of the steam-engine to the opening of the Suez Canal. Forty years. During these forty years the State was an onlooker, took no part, and the theorists of liberalism said to it: You have only one duty—to see that your existence should not even be suspected in the realm of economics. The better the govern-

ment, the less it concerns itself with the problems of the economic system. Hence the economic system in all its manifestations was limited only by the penal code and the code of commerce.

But after 1870 this period changes. No longer the struggle for existence, free competition, survival of the strongest. We notice the first symptoms of weariness and decline in the capitalistic world. The era of cartels, of syndicates, of consortiums, of "trusts." Certainly I need not elaborate for you the differences there are in these four institutions. The differences are hardly conspicuous. They are like the differences between imposts and taxes. Economists have not yet defined them. But the taxpayer at the cashier's window realizes that it is useless to argue about them, for both imposts and taxes have to be paid.

It is not true, as one Italian economist of the liberal school has said, that the economic system of trusts, cartels, and syndicates is the result of the War, for the coal trust in Germany, founded at Dortmund, dates from 1879. In 1905, ten years before the World War broke out, there were 62 metal trusts in Germany. There was a potash trust in 1904; a sugar trust in 1903; 10 trusts in the glass industry. Roughly in this period from 500 to 700 trusts divided among them the control of industry and commerce in Germany. In France in 1877 the industrial organization of Longwy was founded, to deal with the metal industry; in 1888, that of petroleum; in 1881 all the insurance companies had already united. The iron trust in Austria dates from 1873; and shortly after the national trusts, international ones developed. The syndicate of bottle-makers dates from 1907. That of the manufacturers of glass and mirrors, which included French, English, Austrian, and Italian, dates from 1909. The manufacturers of railroad rails formed an international cartel in 1904. The zinc syndicate was born in 1899. I spare you the annoyance of hearing about all the chemical, textile, marine, and other syndicates that were formed in this historical period. The nitrate trust between the English and Chileans came in 1901. I have here the whole list of the national and international trusts, which I shall not inflict on you. It may be said that there was no section of the economic life

of the countries of Europe and America in which this characteristic power of capitalism did not take shape.

But what is the consequence? The end of free competition. Margins having become restricted, capitalistic enterprise found it better to agree, to unite, to organize, for the division of the market and sharing of the profits. Even the law of supply and demand ceased to be a dogma, since through the cartels and trusts it was possible to control both supply and demand; finally this capitalistic economic system, organized and syndicated, turned to the State and what did they ask? Protective tariff. Free trade, which is only a larger aspect of the doctrine of economic liberalism, free trade received a death-blow. Among the nations that first raised almost insurmountable barriers was America. And on this side, even England has renounced now for some years all that which hitherto seemed traditional in her political, economic, and moral life and has undertaken an increasingly stringent policy of protection.

Then came the War. After the War and as a consequence of it, capitalistic enterprise was inflated. The size of businesses passed from millions to billions. The so-called vertical constructions, or holding companies, seen at a distance, give an idea of the monstrosity of this tower of Babel. Enterprise on such a scale surpasses human ability: first it was spirit that dominated matter, now matter controls and subjugates spirit. What was physiology has become pathology; everything is abnormal. Two persons—since in all human affairs representative men loom on the horizon—two persons can be identified as representative of this situation: Kreuger, the Swedish match manufacturer, and Insull, the American manipulator. For the sake of the brutal truth that it is our Fascist habit to tell, we must add that in Italy, too, there have been specimens of this species; but on the whole they have not attained the same dizzy heights.

Having arrived at this point, super-capitalism draws its inspiration and its justification from a Utopian dream, the dream of unlimited consumption. The ideal of super-capitalism would be the standardization of human life from the cradle to the grave. Super-capitalism would like to have all babies born uniform in size so that cradles could be standardized; they

want all children to like the same toys; they want all men to wear the same livery, all to read the same books, all to have the same tastes in the movies, all, in short, to become a so-called utilitarian machine. This is not a caprice, but it is the logic of events, for only in this way can super-capitalism project its plans. When did capitalistic enterprise cease to be an economic fact? When its dimensions made of it a social fact.

And this is precisely the moment in which capitalistic enterprise, finding itself in difficulty, pitched itself straight into the arms of the State, and this is the moment in which State intervention was born and since when it has become more and more necessary. And those who had ignored it, now sought it frantically. We have reached the point where if in all the nations of Europe the State should go to sleep for twenty-four hours, that interval would be enough to precipitate disaster. There is no longer any economic field in which the State can not interfere. If, purely hypothetically, we wanted to give way to this current capitalism, we should fly into State capitalism, which is nothing else but State socialism up-side-down; we should arrive in one way or another at the exercise of national economy!

This is the crisis of the capitalistic system taken in its universal significance. But for us there is a specific crisis which we face particularly as Italians and Europeans. It is a European crisis, typically European. Europe is no longer the continent that directs human civilization. To this dramatic conclusion men must come who think for themselves and for others. There was a time when Europe was the political, spiritual, and economic leader of the world. Politically dominant by means of her political institutions. Spiritually by means of all that the spirit of Europe had produced throughout the centuries. Economically because it was the only continent completely industrialized. But, across the Atlantic, a great industrial and capitalistic enterprise has developed. In the Far East is Japan which, having made a contact with Europe through the war of 1905, is encroaching on the big markets of the West. Here is the political problem. I talk of politics here because this Assembly, too, is strictly political. Europe can still try to regain the leader-

ship of universal civilization if she finds a "minimum" of political unity. We must carry on as heretofore. Europe's political goal can not be achieved unless certain grave injustices are first rectified.

We have come to an extremely serious point in this situation: the League of Nations has lost everything that gave it political significance or historical importance. Even the country that invented it has failed to join it. Russia, the United States, Japan, and Germany are absent. This League of Nations was founded on one of those principles that sound very beautiful at first but when considered and analyzed and taken apart reveal their absurdity. What other diplomatic means exist that can re-establish contacts among the nations? Locarno? Locarno is another matter. Locarno has nothing to do with disarmament; that is no way out. A great silence has reigned of late concerning the Four Power Pact. Nobody talks of it, but everybody thinks about it. It is precisely for this reason that we do not intend to start over again or to speed up a situation that is bound to mature logically and inevitably.

Let us ask ourselves now: Is Italy a capitalistic nation? You have never asked this question? If by capitalism one means that totality of manners, customs, and technical progress now common to all the nations, it can be said that Italy, too, is capitalistic. But if we go into the subject and examine the situation from a statistical point of view, that is, from the mass of different economic groups of our population, we have the facts in the case which will permit us to say that Italy is not a capitalistic nation in the current meaning of that word.

April 21, 1931 there were 2,943,000 farmers on their own land; 858,000 tenant-farmers. There were 1,631,000 share-croppers; and the other farmers, farm-hands, and agricultural day-laborers numbered 2,475,000. The total of the population directly and immediately dependent on agriculture is 7,900,000. There are 523,000 industrialists; 841,000 merchants; 724,000 artisans, dependent or independent; 4,283,000 wage earners; 849,000 domestic servants and porters; the armed forces of the state number 541,000, including, of course, the police force. In the professions and liberal arts there are 553,000; public and

private office employees, 905,000. The total in this and the above groups is 17,000,000. There are few landed proprietors and large landowners in Italy—201,000; 1,945,000 students; 11,244,000 housewives. Then there is the item called other non-professional occupations—1,295,000—an item which can be interpreted in various ways.

You see at once from this picture that the economic life of Italy is varied, complex, and can not be defined according to one pattern. Furthermore the industrialists, who make up the imposing number of 523,000, almost all operate either small or medium-sized concerns. The small concern may go from a minimum of 50 employees to a maximum of 500. From 500 to five or six thousand is the medium-sized industry; above that is big industry, and only here and there does Italian industry overflow into super-capitalism.

This survey demonstrates also how wrong Karl Marx was, who, following his own apocalyptic schemes, pretended that human society could be divided into two classes neatly distinguished from each other and eternally irreconcilable. Italy, in my opinion, must remain a nation of mixed economy, with a strong agriculture, which is the base of all, inasmuch as it is true that what little revival of industry there has been of late has been due, according to the unanimous opinion of those who have studied the matter, to the respectable yields of agriculture in these years. A healthy small or medium-sized industry, a bank that does not engage in speculation, a commerce that performs its irreplaceable duty of distributing merchandise to consumers rapidly and reasonably.

In my statements presented last evening, the Corporation is defined as we understand it and intend to create it, and its purposes too are defined. I said the Corporation was created in view of the development of the wealth, the political power, and the welfare of the Italian people. These three elements interact. Political power creates wealth, and wealth in its turn reinforces political power.

I want to call your attention to what I said was the aim of the Corporation, the welfare of the Italian people. It is necessary that at any given time these institutions which we have created

should be felt and recognized directly by the masses as instruments through which they can raise their standard of living. It is necessary that at a given time the workman and the farm-laborer should be able to say to himself: if today my status is improved, I owe it to the institutions which the Fascist Revolution has created. In all societies there is inevitable poverty. There is a group of persons who live on the margin of society; special institutions deal with them. However, that which should trouble us is the poverty of strong and honest men who are earnestly looking for work in vain. We must see to it that Italian workmen, in whom we are interested as Italians, workmen, and Fascists, feel that we are not creating institutions only to give form to our doctrines, but we are creating institutions that must sometime show positive, concrete, practical, and tangible results.

I shall not pause to discuss the work of arbitration that the Corporations may undertake, and I see no obstacle to the exercise of their advisory function. It is already a fact that every time the Government has to take over important responsibilities, it calls in the interested parties. If tomorrow this practice should become compulsory in the settlement of disputes, I do not see anything wrong in it, because everything that brings the citizen in contact with the State, everything that introduces the citizen into the workings of the State, is useful to the social and national aims of Fascism.

Our State is not an absolute state, and still less absolutistic, alien to men and armed only with inflexible laws, as laws must be. Our State is an organic state, human, desirous of sticking close to the realities of life. The bureaucracy itself is not today, and wants to be still less tomorrow, a membrane separating the State's business from the interests and concrete and actual needs of the Italian people. I am absolutely certain that the Italian bureaucracy, which is admirable, the Italian bureaucracy, just as it has done so far, will in the future work with the Corporations whenever that is necessary for the most successful solution of their problems.

But the point that struck this Assembly most forcefully is the

intention of giving legislative powers to the National Council of Corporations. Some people, being ahead of time, have already talked about the end of the present Chamber of Deputies. Let us explain. The present Chamber of Deputies, when this legislative session is over, must be dissolved. Then, since there is not enough time in these months to create the new corporative institutions, the new Chamber will be selected in the same manner as in 1929. But some time or other the Chamber must decide its own destiny. Are there Fascists running around crying over this prospect? In any case they know we shall not dry their tears.

It is perfectly conceivable that a National Council of Corporations might replace the present Chamber of Deputies *in toto*. I have never liked the Chamber of Deputies. At bottom this Chamber of Deputies is an anachronism, even in its name. It is an institution that we found and that is foreign to our Fascist mentality and feelings. The Chamber presupposes a world we have destroyed; presupposes several parties which often and gladly rock the boat. On the day when we destroyed the other parties, the Chamber of Deputies lost its significance. Almost without exception our Fascist Deputies have been men of the highest calibre, and we must remember that they must have had very healthy blood indeed not to have succumbed to melancholy, breathing that atmosphere of the past. All this will come presently, but we need not rush it. It is important to establish the principle, because inevitable consequences follow from it.

On January 13, 1923, when the Grand Council was created, superficial thinkers may have thought, only one more institute. On the contrary. On that day we buried political liberalism. With the Militia, the armed guard of the Party and the Revolution, with the establishment of the Grand Council, the supreme organ of the Revolution, we dealt the death-blow to the whole theory and practice of liberalism; we definitely set out on the road of revolution.

Today we are burying economic liberalism. The corporation will function on economic ground as the Grand Council and the Militia function on political ground. Corporatism is eco-

Mussolini, Jan 16, 1923

nomics disciplined and therefore controlled, for discipline without control is unthinkable. Corporatism supersedes socialism and supersedes liberalism; it creates a new synthesis.

One fact is symptomatic—a fact we have perhaps thought too little about: that the decline of capitalism coincides with the decline of socialism. All the socialist parties in Europe are in fragments. I am not speaking only of Italy and Germany, but also of the other countries. Evidently these two phenomena—I do not claim that they are necessarily connected logically—were nevertheless historically simultaneous. This is why the corporative economy takes its rise at the very juncture in history when those two concurrent phenomena, capitalism and socialism, have given all they can give. From each we inherit what was vital in it. We have rejected the theory of the economic man, the liberal theory, and we go up in the air every time we hear anybody talk of labor as a commodity. The economic man does not exist; the whole man exists, being political, economic, and religious, saint and soldier.

Today we are taking a decisive new step in the path of the Revolution. Justly did Deputy Tassinari say that in order for a revolution to be great, to make a profound impression in the lives of the people, it must be social. If you look deeply, you will see that the French Revolution was eminently social in that it demolished all that was left of the Middle Ages from road tolls to "*corvées*"; social in that it provoked a vast change of the whole feudal system in France and created those millions of landowners who have been and are the sane and solid strength of that country. Otherwise anybody could think he had made a revolution. Revolution is a serious matter, not just a palace conspiracy, and still less merely a change of Ministries or the victory of one party over another. It is laughable to read that there was a revolution in 1876 when the Left came into power.

Finally we must ask ourselves this question: Can Corporatism be applied in other countries? We must ask this question because it will be raised in all the other countries where people study and make an effort to understand us. There is no doubt that, given the general crisis of capitalism, some of the solutions of Corporatism will become imperative everywhere. But

to carry on a complete, full, integral, revolutionary Corporatism three conditions are necessary. A single party which flanks economic discipline with political discipline and which is over and above conflicting interests, binding all together in a common faith. This is not enough. After a single party you have to have a totalitarian state, that is, a state that absorbs within itself, in order to transform and invigorate them, all the energy, all the interests, all the hopes of a people. This is still not enough. The third and last and most important condition: there must be a time of the highest moral vigor.

We live in this time of high moral vigor. This is why, step by step, we give strength and consistency to all our dreams, translating all our doctrine into fact. How can it be denied that this our Fascist period is one of the highest moral vigor? Nobody can deny it. These are the times when arms have been crowned with victory, when human institutions are being regenerated, when lands are being redeemed and cities founded.

MUSSOLINI'S ADDRESS TO THE SENATE, JANUARY 13, 1934

If the subject were not really inexhaustible, I should willingly refrain from speaking, especially since the law submitted for your approval has been slowly and thoroughly worked out, not hastily improvised. Its sources can be found in what might be called the proto-history of the Régime, the first meeting of the *Fasci di Combattimento* held at Milan fifteen years ago. After the March on Rome the first attempts toward corporatism were made in the meeting at the Palazzo Chigi and the Covenant at the Palazzo Vidoni. Then came the Law of April 3, 1926, followed by the regulations of July 1, 1926 and the Labor Charter of April 21, 1927. The first law on the Corporations is of March 1930.

The Law now before you was first examined by the Central Corporative Committee, then was discussed in the National Council of Corporations; the chrism of the Grand Council was conferred on it after long discussion in detail; it was revised by the Council of Ministers; it has been presented to you with a report from the Ministry of Corporations. To it has been

added the fervent and substantial report by Deputy and Quadrumvir De Vecchi.

The speeches delivered here have thrown further light on the project which you have examined. Senator Bevione surveyed the horizon and clearly distinguished certain characteristic aspects of the crisis through which we are still passing. Senator Schanzer delivered his dialectics with great logical accuracy. Senator Cavazzoni emphasized the paradox of this truly paradoxical period of contemporary civilization that forces us to take part in such remarkable occurrences as using wheat for fuel in steam-engines, throwing bags of coffee into the sea, destroying wealth, although there are millions of men who might have used it to satisfy their needs. Senator Cogliolo brilliantly opened his interesting speech by pointing out the importance of adhering to the Régime and enlisting the masses of so-called intellectuals; a phenomenon typically Italian and unique in history, if it is true, as you have certainly taught me, that Plato, in whom wisdom was not lacking, so much so that when he was born bees put honey on his lips, excluded from his Republic the poets and their kin, considering them pernicious to the peaceful development of the city. We are creating a Régime in which all those who were formerly called brain-workers, all those who earn their living by the practice of a profession or an art, shall live within the Régime and bring to it an irreplaceable contribution, the contribution of intelligence. Senator Marozzi dwelt on some aspects of the Corporations as applied to agriculture. Finally Senator Corbino, a physicist of world-wide reputation, as you all know, raised some very important questions that convince us of the necessity of walking circumspectly when we enter the field of economics.

This Law does not proceed solely from theory, though theory should not be unduly despised since it enlightens experience and experience verifies theory,—not only from theory but from twelve years of living, practical, daily experience, during which all the economic problems of national life, problems always prismatic and complex, have been brought before me. I have had to face them, often to solve them.

What are the premises of this Law? The fundamental

premises are the following. As an economic fact exclusively private and individual interests do not exist. From the day on which man resigned or adapted himself to living in the company of his fellows, from that day on not one of the acts he does is developed or concluded in him alone; all have repercussions beyond his person. It is also necessary to place in its historical perspective the phenomenon called capitalism, that fixed form of economy called capitalistic economy. Capitalistic economy is a phenomenon of the last century and of this. It was unknown to antiquity. Salviolo's book is exhaustive and final on this point. Nor was it known to the Middle Ages. We are still in a phase of artisan economy more or less extensive. Capitalism means machinery; machinery means factories. Capitalism is therefore bound up with the rise of machinery. It develops above all when long-distance transportation of energy is possible and when conditions altogether different from those under which we now live make possible a reasonable and universal division of labor. It was this division of labor that in the second half of the last century led a British economist to say, "The prairies of North America and Russia are our wheat fields; Chicago and Odessa are our granaries; Canada and the Baltic States are our forests; Australia raises her flocks for us, America her cattle; Peru sends us her silver, California and Australia their gold; the Chinese grow tea for us and the Indians coffee; sugar and spices come to our ports; France and Spain are our vineyards; the Mediterranean our kitchen-garden." Naturally all this had its counterpart in coal, cotton, machinery, etc.

In this first phase of capitalism (on another occasion I defined it as dynamic and even heroic) the character of economic facts may be considered predominantly individual and private. At that time theorists absolutely excluded State intervention in business and asked of the State only that it acquiesce and that it preserve general order and security in the nation. It is also in this period that the phenomenon of industrial capitalism had among its directors a family attitude, which has been of the greatest value wherever it has been preserved. There were dynasties of great industrialists who transmitted from father to son not only the factory but also a feeling of pride and sense of

honor. But Fried, in his book, *The End of Capitalism*, although limiting his remarks to Germany, was led to note that already between 1870 and 1890 these great dynasties of industrialists declined, broke up, dispersed, having become insufficient. It is in this period that the joint stock company appears on the scene. It must not be thought of as a diabolical invention or the product of human malice. We need not too frequently introduce gods and demons into our affairs. The joint stock company was born when capitalism, because of its enlarged proportions, could no longer rely on the wealth of families or small groups but had to appeal, through the issue of stocks and bonds, to impersonal, undifferentiated, colloidal capital. This is the moment in which an abbreviation appears instead of a name. Only those who are practically initiated into this kind of financial mystery cult know how to read beneath "the veil of the strange lines."

Senator Bevione in his remarks cited the *Sofindit*,¹ but I fancy many of you do not know exactly what is hidden behind that word of vaguely Ostrogothic flavor. *Sofindit* is not an industry; it is a convalescent home where more or less deteriorated concerns are kept under observation and treatment. You will not be so indiscreet, I hope, as to ask me who pays the bills for these more or less lengthy treatments.

In this period, when industry is unable on the strength of its own prestige and vigor to float its capital issues, it turns to the banks. When an enterprise appeals to the capital of all, its private character ceases, it becomes a public, or if you prefer, a social fact. And this phenomenon, which made its appearance before the War, profoundly transforming the whole capitalistic organization—you can get the facts by reading the book by Francesco Vito, *Industrial Syndicates and Cartels*—this transformation accelerated its rhythm before the War, during the War, and after it. State intervention is no longer deprecated; it is solicited. Shall the State intervene? No doubt about it. But how?

Now the forms of State intervention have of late been diverse, varied, and contrasting. There has been disjointed, experi-

¹ An abbreviation for the name of a society for financing Italian industries that needed help. It corresponds roughly to the American R. F. C.

mental intervention, case by case. This has been applied in all countries, even in those which until quite recently kept the banner of economic liberalism flying. There is another form of intervention, the communistic, toward which I have not the least sympathy, no matter where it is, Senator Corbino. For my part I deny that if communism had been applied in Germany it would have had different results than it has had in Russia. Anyway it is evident that the German people would have nothing to do with it. This communism, as it appears in some of its manifestations of exasperated Americanism (extremes meet), is only a form of State socialism, only a bureaucratisation of economic activities. I believe none of us wants to bureaucratised, that is, to freeze up, that which is real in the economic life of the nation, a complicated, changeable reality, bound up with what goes on in the world in such a way that when it leads to the commission of errors these errors have unpredictable consequences. Pay close attention to the experience of America. In the United States government intervention in economic affairs is direct, sometimes assuming peremptory forms. These codes are nothing but collective contracts, to which the President compels now one and then the other party to submit. We must wait before passing judgment on that experiment. I should like, however, to anticipate my opinion on this point, namely, that monetary manoeuvres can not bring about an effective and lasting rise in prices. If we want to deceive mankind we can have recourse to that which was at one time called clipping the coins. But the opinion of all those who do not obey the dictates of economic or social empiricism is quite clear: the path of inflation leads to catastrophe. But who can really think that the multiplication of monetary symbols can increase the wealth of a people? Somebody has already drawn the comparison: it would be the same as if by printing the same negative of the same individual a million times one calculated to increase the population by a million men. Besides, have we not had experience in this field? From the *assignats* of France to the post-war *mark* of Germany?

A fourth experiment is the Fascist. If liberal economy is the economy of individuals in a state of liberty more or less absolute,

Fascist corporative economy is that of individuals and also of associated groups, and also of the State. And what are its characteristics? What are the characteristics of corporative economy? Corporative economy respects the principle of private property. Private property completes human personality; it is a right, and if it is a right it is also a duty. So much so that we think property must be considered in its social function, not therefore as passive ownership but as active ownership, that does not limit itself to the enjoyment of the fruits of wealth but develops, increases, and multiplies them. Corporative economy respects private enterprise. In the Labor Charter it is specifically stated that only when private enterprise is lacking, deficient, or insufficient shall the State intervene. It is obvious, for example, that only the State, with the powerful means at its disposal, can reclaim the Pontine Marshes.

Corporative economy introduces order even in the field of economy. If there is one thing that needs regulating, that needs to be directed toward certain fixed ends, it is precisely this economic phenomenon which interests the whole of the nation. Not only industrial economy needs to be regulated, but also agricultural economy (a few agriculturalists seized the first opportunity they found to open their mouths too wide), commercial economy, banking, and even artisan activities. How must this regulation be carried out in fact? Through the self-discipline of the occupational groups concerned. Only as a second resort, when the occupational groups fail to come to an agreement and an equilibrium, may the State intervene, and it has the sovereign right to do so even in this field, since the State represents the other term in the equation, the consumer, the anonymous mass which, not being separately organized according to its function as consumer, must be safeguarded by that organ which represents the collective body of citizens.

At this point some one may be inclined to ask me: "And if the depression were to end?" I reply: "In that case, more than ever." We must not nourish illusions about a speedy recovery from this depression. It will have a long tail. But even if we should happen to have a general economic recovery tomorrow and were to return to the easy business conditions

prevailing in 1914 to which reference has been made, then more than ever discipline would be necessary, because men, quick to forget, would be inclined to commit the same indiscretions, to repeat the same follies.

This Law, honorable Senators, has already made its way into the consciousness of the Italian people. They have demonstrated this fact during these days. This admirable Italian people, hard-working, indefatigable, thrifty, has cast seven billion votes worth a lira apiece in favor of this Law; it has demonstrated, while you debate, that this Law is not a threat but a guarantee, not a danger but the greatest safety.

The stages of execution. Once the Law is passed, we shall proceed to set up the Corporations. The Grand Council has examined the text of the Law in the discussions that have already taken place, and it has defined the character and composition of the Corporations. Once the Corporations are established, we shall watch their functioning, which must be speedy, not weighted down by bureaucracy. In the functioning of this institution also the cost must be taken into account. Judgment of an institution is in terms of its return in relation to its cost. However we need not fear an increase in bureaucracy. We must bear in mind that no human organization can be thought of without a minimum of bureaucracy. After we have witnessed, studied, and controlled the practical and effective working of the Corporations, we shall reach the third stage, that is, the so-called constitutional reform. Not until that third stage will the fate of the Chamber of Deputies be decided.

As you see from all that I have said previously and from these brief statements, we are proceeding with great calm. We are far from precipitating events. We are sure of ourselves, because, with the Fascist Revolution, we have the whole century before us.

MUSSOLINI'S ADDRESS TO THE GENERAL ASSEMBLY OF THE NATIONAL COUNCIL OF CORPORATIONS, MARCH 23, 1936

. . . The new phase of Italian history will be controlled by this aim: to achieve as soon as possible the greatest possible economic autonomy for the nation. No country in the world

within its own territory can achieve a hundred per cent, absolute, or ideal economic autonomy, and even if it could, such a situation might prove undesirable. But every country today is trying to free itself in large measure from foreign economic servitude. There is one field above all in which we must seek to achieve such autonomy—the field of national defense. Without autonomy there the very possibility of defense is endangered; all policies are at the mercy of foreign pressure even if this pressure is only economic. An economic war, the kind of invisible war declared by Geneva against Italy, might succeed in coercing the greatest of nations, even though it were composed entirely of heroes. The attempt made in these last months is a warning.

To determine to what extent Italy can realize economic autonomy in the field of national defense an inventory of our resources is necessary and, in addition, an estimate of what can be expected from science and modern technique. For this very purpose we have created and subsidized the National Research Council. Such an inventory should be read remembering that in time of war civilian consumption can be partly or wholly curtailed.

Let us begin our list on the negative end—with liquid fuels. Surveys for oil within our territory are under way but have yielded no appreciable results to date. To meet our needs for liquid fuels we are depending, especially in time of war, on liquefying lignites, on deriving alcohol from agricultural products, and on the extraction of oil from asphalt rocks. The Italian deposits of lignite are estimated at two hundred million tons. Turning to solid fuels we find that at the present stage of scientific development we must have certain high-grade kinds of coal for special purposes. For ordinary use, however, the domestic kinds can be used—from Livorno, Sardinia, and Aosta. The *Azienda Carboni Italiani* has already made great progress; production is increasing and giving the consumer complete satisfaction. I estimate that with our resources, plus the electrification of railroads, plus the curtailing of consumption, we shall be able in time to find substitutes for from forty to fifty per cent of our present coal imports.

Let us now pass on to metals and other mineral products. We

have sufficient iron for our needs in both peace and war. Old Elba seems to be inexhaustible. The Cogne deposit is estimated at dozens of millions of tons of ore, the purest in Europe with the exception of Sweden. The only drawback is the altitude of 2,800 metres at which it is found; I repeat, drawback—not barrier. There are other iron mines now being reopened in Murra and Valdaspra. If we include pyrites with our iron ore we can regard ourselves as supplied in this field. Other minerals that Italy possesses in great quantities are: bauxite and leucite for making aluminum, zinc, lead, mercury, sulphur, and manganese. Tin and nickel are found in Sardinia and Piedmont. We have no copper worth mentioning. Passing on to other raw materials, we have no supply of cellulose today, but will have soon. We have no rubber. In 1936 the cultivation of cotton is being resumed. We lack oil-bearing seeds. Until we produce synthetic wool on an industrial basis, we must admit that our output of natural wool is below our needs. The lack of many raw materials for the textile industry, however, is not a matter of serious concern. It is in this field that science, technology, and the ingenuity of Italians can develop and are already in operation. The broom plant, for example, which grows everywhere and is known to many Italians only because Leopardi sang of it in one of his most touching poems, yields today a textile fibre used on an industrial scale. The forty-four million Italians will always have the clothes they need to cover them. It matters little in these times of what the cloth is made.

The problem of raw materials must therefore be conceived no longer in terms such as the old-fashioned defeatist liberalism employed when it resigned itself to eternal Italian inferiority and summarized the problem in the hackneyed phrase, "Italy is poor in natural resources." We say instead, "Italy does not possess certain raw materials and that is the foundation of her colonial needs. Other raw materials Italy possesses in sufficient quantity. In still others she is rich." This is the actual state of affairs, and it explains our conviction that Italy can and must attain a maximum of economic autonomy for peace and above all for war.

The whole Italian economy must be directed toward this supreme necessity. On it depends the future of the Italian people.

I come now to a most important point in my speech, to what I shall call a plan for the regulation of Italian economy in the near future of Fascism. This plan is based on a premise: the inevitability of war and of our nation being drawn into it. When? How? No one can tell, but the wheel of destiny spins fast. If not, how could we explain the policy of colossal armaments inaugurated by all nations? It is this dramatic eventuality that must guide our action. In the present period of history the element of war, and with it the doctrine of Fascism, is a determining factor of the attitude the State must take towards the national economy. As I said in Milan, October 1934, the Fascist Régime does not intend to turn over the whole economy of the nation to the State, or worse still to a bureaucracy; Fascism is content to control this economy and regulate it through the Corporations, whose activities, under my close scrutiny, have already been very helpful and show hopeful signs of systematic development in the future. The Corporations are, to be sure, organs of the State, but not bureaucratic organs of the State.

I come now to an analysis of the situation. The basic realm of agriculture is not susceptible structurally to notable change. Hence there will be no serious innovations in the traditional methods of Italian agricultural economy. They answer their purpose fairly well, furnishing stable foods to the Italian people and certain raw materials to industry. Agricultural economy will remain on the basis of private ownership, regulated and assisted by the State, so that it may attain ever higher averages in its production, and co-ordinated with the rest of the national economy in the Corporations. The day laborer and seasonal worker remains a problem to be met along the lines already laid down by Fascism.

As to commercial enterprise, we must distinguish its two parts: foreign commerce, which has become directly or indirectly (and not merely temporarily, as some may believe) a function of the State; and domestic trade, which, when it has once attained cor-

porative self-control, will not change radically. The sphere of commerce is entrusted to the initiative of individuals, groups, or co-operative societies.

As to the sphere of credit, which is to economics what the blood is to the body, recent decrees have brought it logically under the direct control of the State. This branch, for more reasons than one, belongs absolutely to the State.

Passing on to industrial and handicraft production, I emphasize assistance for the artisan. He can not be replaced, especially in Italy. We must support him not only in deference to his glorious past but for his present usefulness.

Small and medium-sized industries will remain in the sphere of individual responsibility and initiative, co-ordinated nationally and socially by their self-regulating Corporations. The heavy industries which work directly or indirectly for the national defense and are financed by selling stock, and other industries, too, which have developed on a capitalistic or super-capitalistic basis, thus creating social and not merely economic problems, these will all be merged into large units corresponding to the so-called key industries, and will take on a special form within the sphere of the State. In Italy the realization of these changes will be aided by the fact that through the *Istituto Ricostruzione Industriale* the State already owns strong holdings in the chief industries related to national defense, amounting in some cases to a majority of the capital stock.

Is State intervention in these great industrial units to be direct or indirect? Is the State to operate them or merely control them? In some branches it may be a case of direct operation, in others of indirect operation, and in still others of merely effective control. It is even possible to imagine joint enterprises in which the State and private owners combine in procuring capital and in organizing the management.

It is perfectly logical that in the Fascist State these industries should cease to have *de jure* the status of private enterprises which *de facto* they have lost completely since 1930-31. These industries, on account of their nature, the volume of their production, and their vital importance for war, transcend the bounds

of private economy and enter into the sphere of the State or of *quasi* public business. Their products have but one purchaser—the State itself.

During the period we have entered these industries will have neither time nor opportunity to supply the private consumer. They will be obliged to work exclusively, or almost so, for the armed forces of the State. There is a strictly moral reason as well that leads us to these conclusions. The Fascist Régime does not allow individuals or companies to make profits out of circumstances that demand of the nation the heaviest sacrifices. The disgraceful spectacle of war-profiteering shall not be seen in Italy again.

Such a constitutional transformation of a large and important branch of our economy shall come about calmly, without haste but with Fascist determination. I have now traced the general outlines of the country's economic prospect for tomorrow.

As you can see, a corporative economy is many-sided but integrated. Fascism has never intended to reduce everything into the State as a common denominator, or in other words to transform the national economy into a State monopoly. The Corporations merely regulate it, and the State embraces only as much of it as belongs to defense, that is, to the security of the country. In this economy, which is like the economies of all highly developed nations, highly differentiated, labor becomes a partner in business enterprise, with equal rights and duties, together with those who contribute capital and those who are technical managers. In the Fascist Era the various phases of labor are the only rule for measuring the social and national utility of individuals and groups. An economy of the kind I have sketched for you in general outline must guarantee peace, happiness, moral and material prosperity to the masses who constitute the nation and who have demonstrated in these days their high degree of civic conscience and whole-hearted support of the Régime. In the Fascist system the barriers that separate the various occupational groups of producers must and shall be lowered. These groups will recognize no social order save that of stern duty and genuine responsibility.

In the Fascist economy we shall achieve that higher social

justice to which in all ages the masses of men have aspired in their hard daily struggle for the elementary necessities of life.

This is the second time that the National Assembly of Corporations has convened on the Capitoline Hill. Many will rightly be curious to know what is going to become of this Assembly. What place will it take in the constitutional framework of the Italian State? I have already given an answer in my address of November 14, 1933, to which I refer you and in which I announced that the National Council of Corporations might very well replace the Chamber of Deputies entirely and would, in fact, do so. Today I repeat this plan for you. The Chamber of Deputies, which even in its present constitution includes members of this Assembly, will yield to the National Assembly of Corporations. This Assembly will be called the Chamber of *Fasci* and Corporations and will be composed at first of the twenty-two Corporations. How the new representative and legislative assembly will be formed, its by-laws, functions, powers, prerogatives, and nature are problems of a theoretical character that will be examined by the highest body of the Régime, the Grand Council.

The new Assembly will be "political" in the strict sense of the word, for economic problems can be solved only on a political basis. On the other hand, all the forces that are somewhat inaccurately called non-economic will also be represented in the Assembly either through the Fascist Party or through other legally recognized associations.

You may now ask when this profound but already well-prepared constitutional transformation will take place. I can reply that the time is not far off though it is linked to the victorious outcome of the African war and to developments in European politics.

By this economic transformation of which I have spoken and the political innovations of a constitutional character to which I have referred, the Fascist Revolution will achieve completely its basic aims as they were voted by acclamation at the mass meeting in San Sepolcro Square seventeen years ago.

Comrades: Italy is secure within her boundaries, thanks to her armaments and her spirited fighters; she is equipped ahead

of all other countries with political and social institutions increasingly adapted to her circumstances and to the evolution of modern times; and she can see before her today an open road to greater power through Fascism.

The sacrifice made by the Italians in Africa is a great service rendered to civilization, to the peace of the world, and even to those old powers satiated with colonies that have committed the incredible historical blunder of blocking our path. Italy is conquering territories in Africa for the sake of freeing their varied populations which for thousands of years have been at the mercy of a few blood-thirsty and greedy chiefs.

The living surge of the Italian people has not been obstructed and never will be by the meshes of a treaty which brought to humanity not peace but only the prospect of vaster wars. Thirty centuries of history, of glorious history, added to the indomitable wills of successive generations and to the capacity for making the supreme sacrifice, the sacrifice of blood, the capacity thrice proved in the first part of this century, are sufficient to nourish our faith and to open for us the doors of the future.

X

TYPICAL DECISIONS OF THE LABOR COURTS

[Though it is impossible to give an adequate picture of Italian labor law by means of the following summaries of a few scattered Labor Court decisions, they may serve to indicate the types of problems with which the Courts are attempting to deal. Only a small percentage of controversies ever reaches the Labor Courts, most of them being settled out of Court by arbitration in the Confederations of Syndicates, in the Ministry of Corporations, or in informal hearings before the judges. The most significant work of the Courts at present is the formulation of the general principles of interpretation for the collective contracts and for the relations between the old law of private employment and the new collective legislation. The major problems of wages are usually settled in the Government or Party Offices rather than in the Courts, for the Syndicates usually resort to direct political pressure. The following decisions come from the Courts of Appeal sitting as special Labor Courts.]

LABOR COURT OF BRESCIA, DECEMBER 18, 1935,
TONDINI V. BANCA COOPERATIVA BRESCIANA

When the collective contract on the part of the firm subdivides and distinguishes the personnel by appropriate tabulation into various occupations or classes according to their duties and with their respective wages, the employer is not permitted to assign an employee to an inferior class and to lower wages than he would rightfully be entitled to for the specific duties entrusted to him and actually performed by him for a period

of time, nor can such tabular classification made by the employer be validated by its implicit or explicit acceptance on the part of the particular employee.

. . . The defendant, the said Bank, in the presentation of its argument before the lower Court and in the appeal brought by it against the decision of that Court, contends that the Court has no jurisdiction in the matter, because the Court has no power to change the status of an employee, implying that Tondini has no right to claim treatment according to the functions and duties stipulated by the collective contract, either because the law declares that indemnity is due on the basis of the wages actually received by the employee during the last three years, or because Tondini had accepted such a situation during and after his services. . . .

Nevertheless the Court can not support the Bank's thesis.

As has been pointed out, the Bank bases its case upon two arguments, which are:

(a) that according to the legislative acts indemnity must be paid on the basis of the wages actually received by the employee in the past three years;

(b) that Tondini, during his time of service and after, accepted his classification and recognized as legitimate the compensation corresponding to that classification.

As to the first, it is observed that the appeal to the statute (last part of Article 10 of the Law on Private Employment) has not been made correctly, since the adverb "actually" does not occur in the provisions of the Act.

The Law, on the contrary, states that the determination of the amount of indemnity for dismissal must be based on the last wages, which are the wages payable according to the actual duties performed and not according to the lower wages for such duties. Otherwise the provision concerning minima established by the collective contract, which is the law regulating the relations between employer and employee, would be violated.

Therefore, assuming that Tondini has been paid wages lower than the minimum fixed by the collective contract, it follows that before fixing the indemnity it is necessary to determine exactly the appropriate wage due him in application of the aforesaid contract, in order that the indemnity fixed may be just.

As for the second argument, it will be enough to recall the provision of Article 17 of the Law on Private Employment, November 13, 1924, No. 1825, as a result of which the provision of the law itself and hence of the collective contract must be observed, "any agreement to the contrary notwithstanding." This is a clause of public law and concerns the interests of the employee, who, given the state of subjection and lack of liberty in which he normally finds himself in his relations with his employer, wishes to protect himself, and therefore the consent obtained from him is presumed to be vitiated by undue pressure (*violenza morale*).

Since we must therefore deny that the employee, as long as such a state of subjection and of restricted freedom of action in his relations with his employer lasts, can renounce the rights guaranteed to him by law, his failure to appeal against the classification assigned to him is irrelevant, and even if he had accepted the classification in a class inferior to that which is due him in view of his actual services, it could not be called a complete or perfect agreement because it is not based on genuine consent, since, we repeat, the consent given by the employee during the relationship is presumed, by the above-mentioned provision of the law, to be made invalid by undue pressure (*violenza morale*).

Hence it is only "*ad abundantiam*" that we recall the testimony of the witness Bordoni, secretary of the Fascist Bankers Syndicate, who declared that, following the appeals made by Tondini and by other employees, his Syndicate had to turn to the Bank in vain to obtain a systematic classification of services performed by its employees.

The Bank to support its thesis assumes that Tondini would repeat his acknowledgment of the regularity of his classification even after his dismissal, when the employment relationship

had ceased. That is, Tondini, after the cessation of the relationship, by accepting the accounts and signing the accompanying receipt, would have proved that he had no exceptions or claims to present.

On the whole, it must be recognized that the provision of Article 17 applies literally only to the time during which the employment relationship exists, that is, in which the employee actually remains dependent on his superior. If, therefore, the facts were as stated, it would follow that Article 17 is inapplicable, because it would be a case of a free and voluntary act.

But since the facts are different from those stated by the Bank, because even if it is true that Tondini signed the receipts in the settlement computed under the date of April 30, 1932, by Trustee Verlicchi, without an explicit reservation concerning his classification, he actually wrote as follows: "I declare that I have received this sum in payment of the greater amount which may be due me." Given the explicit reservation of claiming his right to the "greater amount," which he maintained was due him, it is evident that he had not recognized the legitimacy of the settlement made.

Finally, the Bank holds that, according to Article 1 of the regulation, the employee's transfer from second to first class can not be made unless the director holds the employee to be fit for such promotion; but not even this appeal substantiates the Bank's thesis because, though it be true that such an action is under the exclusive jurisdiction of the management, it does not follow that if the employee, without having been formally declared fit for the higher classification, properly performs the functions of that class, he does not have the right to the corresponding remuneration. In substance it would always be a question of a qualification attributed to the employee, which, even if it were subscribed to by him, would not prevent an inquiry into the actual and different duties performed. . . . The judgments of the Supreme Court support this conclusion. . . . (*Massimario di giurisprudenza del lavoro*, May 1936, no. 5, pp. 242-246.)

LABOR COURT OF ROME, FEBRUARY 16, 1933,
CHELONI v. SOC. AERO

All controversies relating to the services of pilots and radio-telegraphers on aircraft of private lines are within the jurisdiction of the Labor Courts, for such disputes involve a relation which is subject to the collective contract of August 8, 1927, between the National Fascist Confederation of Sea and Air Transportation Companies and the Autonomous Fascist Federation of the employees of those transportation companies [which contract is within the jurisdiction of the Labor Court].

Such jurisdiction also covers a controversy in which a pilot brings suit against his employer to obtain additional insurance compensation for aggravation of injuries directly traceable to an accident.

(*Massimario del foro italiano*, May 3, 1934, no. 8, column 179.)

LABOR COURT OF TURIN, APRIL 20, 1933,
PICCINI v. FALL. PICCININI

In an individual controversy concerning employment an appeal may be brought by the attorney *ad litem*, and no special order is necessary.

The employee has no claim to indemnity for dismissal where the contract is abrogated by the fact that the employee has been arrested by order of a legal authority.

(*Massimario del foro italiano*, April 2, 1934, no. 6, column 120.)

LABOR COURT OF GENOA, MAY 9, 1933,
CARDOSANTI v. THE FIRM OF BAGNASCO

The syndical associations are the general representatives of the interests of occupational groups but not of the interests of individual members in individual controversies.

Nevertheless for the amicable settlement of such controversies, it is necessary that the members confer regular power of attorney on the syndical association.

A receipt signed only with an X-mark has no legal force.
(*Massimario del foro italiano*, September 1, 1934, nos. 15-16,
column 400.)

LABOR COURT OF ROME, APRIL 16, 1934,
PADREVECCHI v. SOC. IMMOB. VIALE ANGELICO

The interpretation given by a qualified judge to a collective labor contract, if not invalidated through erroneous legal judgments, is not subject to change by the Court of Cassation.

By the terms of the national contract for porters, a porter who does not designate a suitable person to substitute for him loses the right to holidays; by his failure to designate someone he is presumed to have voluntarily given up his holidays and his weekly day off, and hence he has no claim to any remuneration for not having enjoyed either the former or the latter.

(*Massimario del foro italiano*, May 20, 1925, no. 9, column 239.)

LABOR COURT OF GENOA, DECEMBER 9, 1935,
CATTANEO v. CRESTA AND SOC. ANON. IL NUOVO CITTADINO

A proof-reader employed by a daily newspaper is always considered as having the status of a "typographical worker," regardless of whether he corrects the proofs or the first printed copy of the newspaper.

Such a classification is not changed by the proof-reader, whatever his academic titles or degrees may be.

(*Massimario di giurisprudenza del lavoro*, July 1936, no. 7, p. 355.)

PRAETOR OF TRIESTE, MAY 6, 1936,
CROCI v. THE FIRM OF ATTILIO KOZMANN WITH THE SUPPORT
OF THE FASCIST CONFEDERATION OF INDUSTRIALISTS

According to Article 2 of the agreement arrived at June 23, 1935, between the Fascist Confederation of Employers in Industry and the Fascist Confederation of Industrial Workers, re-

garding the application of the forty-hour week determined by the Grand Council of Fascism, the extra pay for overtime work is due only when such work is for more than the normal maximum number of hours according to the law and the existing contracts.

And since, according to the Royal Decree of March 15, 1923, No. 692, and the corresponding national labor contract, the normal maximum number of hours of work for the mechanical and metallurgical trades is forty-eight hours weekly, the worker who works more than forty hours but not more than forty-eight, has no right to extra pay for overtime work.

(*Massimario di giurisprudenza di lavoro*, May 1936, no. 5, p. 248.)

XI

A COLLECTIVE CONTRACT

[This collective contract is historically important, since it was one of the first to affect a large and important part of Italian industry and since it set the pattern for many others. It was not until several years after this contract was drawn up that its provisions were legally enforced, and even now such contracts are often not taken seriously by either party. The enormous increase in litigation based on these contracts proves, however, that they are beginning to be effective instruments of regulation. Such contracts are, of course, not a Fascist invention; they were often drawn up by the Syndicates even before the War. But Fascism has made the attempt to enforce them systematically and to make them applicable to all workers in a given occupational group, whether members of Syndicates or not.

It will be noted that the major question of wages is determined less by the immediate parties to this contract than by decree-laws reflecting the necessities of general economic conditions. The benefits that the laborer can claim under these contracts are many but trifling. The terms which seem to be most often violated by the employers and over which collective controversies arise are those concerning insurance, dismissal indemnities, and paid vacations.]

THE LABOR CONTRACT OF THE METALLURGICAL WORKERS

February 10, 1928. The accompanying collective contract, binding upon the mechanical, metallurgical, and affiliated industries, signed on every sheet for the delegates of the parties by

the Hon. Cucini and Prof. Balella, is hereby accepted in the year VI in Rome. The parties to this contract are the National Fascist Federation of the Mechanical and Metallurgical Industry, represented by its president, Cav. Cr. Comm. Jarack, assisted by Dr. Liverani, Eng. Ichino, Prof. Cociarig, Attorney Soleri, Dr. Menegazzi, Eng. Morandi; and the National Fascist Syndicate of Mechanical and Metallurgical Workers, represented by its Secretary-General, Mr. Bacchi, assisted by Messrs. Cuzzi, Todini, Bozzo, Guidi, Nertini, Simonini, with the support of the General Fascist Confederation of Italian Industry, represented by the Hon. Benni, Olivetti, Prof. Balella, and the National Confederation of Fascist Syndicates, represented by the Hon. Rossoni and the Hon. Cucini.

1. The individual collective contracts shall determine the minimum wage scale for urban and rural industries, in conformity with the classifications herein indicated:

(a) The industry shall be subdivided into the following four categories: mechanical industries, shipyards, foundries, iron-working plants. For the mechanical plants further classification shall be made wherever local differences make the same necessary.

(b) The workers shall be subdivided into the following classes: specialized workers, qualified workers, specialized manual laborers, ordinary manual laborers, apprentices, women, children.

The individual collective contracts shall determine to which of the aforesaid classes the worker is to be assigned.

2. The minimum wage scale shall be determined on the basis of the average minimum wages paid during the last three months of 1926. In determining the minimum wage for the iron-working industry, account shall be taken of the minimum wage which is to be fixed for the mechanical industry.

3. In the present collective contract, the term "average wage" signifies the basic wage augmented by additional payment for work done "*ad economia*," as stipulated in Article 11.

4. The organizations shall hold local meetings beginning Monday to agree upon eventual salary reductions to take place

before the end of the current month. Such reductions, together with those already made under another title, must not exceed the maximum of twenty per cent fixed at the meeting of the Directorate of the Party.

5. Wage changes made necessary by application of the provisions of the present collective contract shall not unduly tax the employer.

6. A "mutual insurance fund" shall be established in every factory, in accordance with paragraph 24 of the Labor Charter, and both employees and employers shall contribute to and administer it.

The Administration Council shall appoint an administrative delegate to be chosen from the employers', and a director general to be chosen from the employees' organizations.

The individual insurance funds shall be so inter-related as to guarantee continued assistance to the worker in the event of his transfer to a firm in a different locality, according to the special regulations to be stipulated between the parties within five days of the signing of the present contract.

Signed by: Turati, Bottai, Rossoni, Cucini, Bacchi,
Benni, Jarack, Balella

The Terms of the Agreement

Article 1. Employment agencies. Employment of labor shall be administered through employment agencies established at the Fascist Syndicates. The employer shall retain full freedom of choice except that preference shall be given to members of the Party and the Syndicates according to their seniority of enrollment, in conformity with the law.

Article 2. Documents. For admission the worker must possess the following documents:

- (1) Identification card.
- (2) Certificate of citizenship.
- (3) Penal certificate (not more than 3 months old).

(4) Pay-book, insurance membership cards and book, work certificate indicating previous employment record.

The worker shall make known his domicile and address and later inform the proper office of any changes made.

Article 3. Admission of women and children. The provisions of the labor laws for women and children shall govern the admission of workers in these classes.

Article 4. Medical examination. Before employment the employee shall submit to a medical examination to be conducted by the regular company doctor.

Article 5. Trial period. A worker shall always be employed on the basis of an initial trial period of one week, which may be extended to two weeks by mutual agreement.

In the event of satisfactory completion of the trial period, wages shall be computed from the first day of the trial period.

Such applicants as are not employed or who are unwilling to accept the conditions offered must leave the plant and shall be paid only for the work performed during the trial period and have no right to any further compensation. Where the wages have not been previously agreed upon, the applicant shall receive payment on the basis of the last wage indicated by his pay-book, unless such pay-book refers to service of less than three months.

The Eight-hour Day

Article 6. Hours of work. Mechanical plants and their affiliates. The average weekly hours of employment shall be forty-eight, divided into eight-hour days, the week to begin Monday morning and to end Saturday night. The working hours shall be stated by the management in appropriate schedules to be posted at the entrance to the factory. The utilization of the two- or three-shift day shall afford no ground of complaint by the employees; the hours of each shift shall be determined by mutual agreement.

The worker must perform his work in the shift stated.

The average working day may be reduced two hours *per diem* when, as, and if emergencies arise.

No worker may refuse, except on reasonable grounds, to engage in overtime work; however, a worker may not be made to work for more than a total of ten hours overtime in any one week, Saturday excluded.

The foregoing provisions may be modified within the limits of the law in urgent cases and cases that can not be deferred.

Overtime work must not have a permanent character.

Iron-working plants. The average weekly number of hours of employment shall be forty-eight. In cases where continual supervision is necessary and where the preparations for work, with continual furnaces, demand more shifts, the personnel of each squad performing those duties must share equally the extra hours that are indispensable to the progress of the work itself.

Payment for such extra hours shall be computed on the basis of an hourly wage rate which shall be equal to the average hourly wage paid in the current week or fortnight for the regular working hours supplemented by the special wage rate fixed for overtime work. For plants which require seven days a week of uninterrupted work the working cycle shall be considered as 144 hours for each three weeks; the weekly working hours may be respectively 56, 48, 40, for the three weeks.

The worker must perform his work in the hours fixed by the schedule and in that shift to which the management has assigned him; work performed independently or alone shall constitute no exception to this regulation.

The working hours of each department shall be fixed by the management in an appropriate schedule to be posted at the entrance of the plant, and such hours shall be measured by the factory clock.

Article 7. Suspension and interruption of work. Where work is suspended for more than fifteen days, the employee may request his dismissal with the corresponding right to dismissal indemnity as stipulated in Article 33, provided no prior agreement for the extension of such a term be made among the local organizations.

Where the employee is prevented from working for a short time by uncontrollable circumstances, such interruptions shall not be counted in calculating wages provided they amount to less than thirty minutes a day.

Article 8. Holidays. Mechanical plants and their affiliates. Holidays are recognized as follows: April 21, October 28, and civil holidays recognized by the State; in addition, one local or customary annual holiday shall be established by the local organizations.

Iron-working plants. The following holidays shall be recognized: every Sunday as stipulated by the law on holidays, April 21, October 28, and four days to be fixed locally.

However, in order that the employer may not deprive the employees of the right to celebrate other solemn commemorative feasts, the Sundays nearest to these holidays may be substituted in their place.

Regulations for Piece-work

Article 9. Determining the price scale for piece-work. Mechanical plants and their affiliates. The price scale for piece-work must be so determined that a minimum wage comparable to the basic wage to be determined in the individual collective contracts can be obtained by the industrious worker of ordinary working capacity.

Iron-working plants. The price scale for piece-work shall be so determined that a minimum wage comparable to the basic wage to be determined by the individual collective contracts can be obtained by the industrious worker of ordinary working capacity.

In determining the wage scale of piece-work the subdivision into groups must be maintained: that is, work done at continuous furnaces and its auxiliary services, general piece-work independent of the departments at continuous furnaces, work done "*ad economia*" in which piece-work is very exceptional.

Article 10. Whenever a fortnight's average percentage of pay for piece-work in the plants or in the essential departments of the plants is reduced, the workers' organizations, having noted the averages, can intervene by means of their own delegates (from three to five) chosen for this specific purpose from the employees of each individual plant; the corresponding employers' organizations will delegate the managers of the plants to make an agreement between the parties.

Article 11. Additional payment for work performed "ad economia." The individual collective contracts shall determine the increment to be added to the basic wage of the laborer for work performed "*ad economia*."

The individual collective contracts shall likewise determine the increment so that it corresponds to the work done by the specialized workers who work "*ad economia*," taking into account the variable factors involved which determine the wage of the workers (basic wage, increments, or piece-work percentage).

Article 12. Settlements for piece-workers in the case of dismissal or resignation. The piece-worker who resigns or is dismissed during the execution of piece-work or before he has been paid for it, has the right to a settlement based on the actual pay for that same piece-work up to the moment when he stops work in cases when the accounting of such piece-work and the pay for it can be made; if not, when the piece-work is completed; in that case he will be given an accounting on the basis of the presumed settlement.

The provisions of the present collective contract remain in force despite future reservations.

Article 13. Pay for overtime night and holiday work. Mechanical plants and their affiliates. Work performed beyond the normal number of hours at night or on holidays shall be compensated on the basis of the normal wage percentage to be fixed in the individual contracts according to the following:

Wage Scale for Night and Holiday Overtime Work

(1) Overtime on working days (the percentages to be established in the local contracts):

- (a) For the first three hours of overtime—%
- (b) For the next three hours of overtime—%
- (c) For the succeeding hours—%

(2) On holidays: all hours of work will be paid—%. The percentage for holiday work shall not be given for Sunday work to those workers who have a day off with pay.

(3) Night work shall be paid with an increase of —%, and with this in mind, the twelve working hours immediately following the beginning of the morning shift shall be considered as daytime hours.

In the case of overtime work which takes place at night, or overtime work performed by employees who have worked at night, the percentage of increase for overtime work or that for night work will be paid, the greater increase to be chosen.

—% of the normal pay for ordinary work days.

—% of the normal pay for holidays.

When two or three alternate shifts are in operation no increase will be given for night work.

For the other departments which do not require continuous furnaces and their auxiliaries, in so far as pay for overtime night and holiday work is concerned, the following rules and wages apply:

Overtime work on ordinary working days:

(a) For the first two hours of overtime—%

(b) For the next extra hours—%

(c) For the succeeding hours—%

Work performed on the holidays mentioned above:

All working hours shall be paid with an increase of —% of the normal hourly wage.

The percentages for holiday work shall not be given for Sunday work to those workers who have a day off with pay.

Night work shall be paid with an increase of —% of the normal wage and with this in mind the twelve working hours immediately following the beginning of the morning shift shall be considered as daytime hours.

In the case of overtime work performed at night, or done by employees who have worked at night, the percentage of increase for overtime work or that for night work shall be paid, the greater increase to be chosen.

Article 14. Calculation of pay. Wages shall be paid weekly, bi-weekly or fortnightly according to the prevailing custom.

Whenever piece-workers work longer than the pay period, suitable accounting shall be made to them. The worker shall be informed of the factors that determine his wages.

Hours of work are calculated by means of attendance cards (or vouchers) and time cards (for piece-work and work done "*ad economia*").

Payment shall be made in such a way that the firm shall always retain a sum equal to six days' normal pay, as a guarantee of the obligations assumed by the employee toward the company according to the terms of the present collective contract.

Interest at 5% accrues on the retained sum and shall be transferred to an insurance company for the benefit of the workers, to be chosen from the proper organizations.

Article 15. Wage complaints. Any complaints concerning the wages received must be presented within the second work day following pay-day (unless the worker is prevented from doing so by circumstances over which he has no control) to the immediate superior, who shall permit the worker to go to the secretary of the workshop or the time-keeper. However, claims for more than the sum paid and claims as to the quality of the money must be made immediately at the time of payment.

Increase of Vacations

Article 16. Vacations. The worker shall be given six days (forty-eight hours) of paid vacation (normal pay).

All workers who have been employed by the same firm for at least twelve consecutive months are entitled to a vacation.

The time for the vacations shall be fixed according to the exigencies of the work, by mutual agreement, for department, workshop, and work-bench, or individual at the same time.

Substitution of the paid vacation is not permitted. In the case of dismissal for other reasons than those given in Article 34 or in the case of resignation, when an employee has a right to a vacation, the vacation is due him. The notification period shall not be considered a vacation period.

In the case of collective vacations the worker who has not yet earned the right to a vacation will receive compensation amount-

ing to one day's pay (for) every two complete consecutive months of seniority.

In the case of dismissal for other reasons than those stated in Article 34, the worker who does not yet have a right to a vacation shall receive one holiday (for) every two complete consecutive months of seniority.

The same rights shall be given the worker who, upon resigning, has a seniority of not less than five years.

Article 17. Call and recall to arms and to the National Militia. . . Sickness. The call to arms compelled by conscription legally abrogates the labor contract.

When his military service is finished, the employee shall have the right to preference whenever his firm may hire workers, and in such a case the seniority completed before his call to military service shall be recognized.

In the case of recall to arms or to the National Militia, the worker shall have the right to retain his position, without interruption of seniority.

With respect to the pay of those called to the National Militia, the agreements reached by the higher organizations are valid.

In the case of sickness, the worker shall have the right to keep his job for a period of not more than three months, with no interruption of his seniority.

At the end of that time, when the firm dismisses the employee or when his illness, duly certified, does not permit him to return to work, the dismissal indemnity provided for in Article 33 shall be paid him.

Article 18. Hierarchy. The employees, in their work relationships as well as in any other circumstances pertaining to them, are dependent upon their respective chiefs, according to the hierarchical order.

They must conduct themselves with deference and subordination toward their superiors, with politeness and comradeship toward their fellow-workers and their subordinates.

Article 19. Entrance and exit. Mechanical plants and their affiliates. The entrance of the employees into the plant, whether in the morning or afternoon, shall be regulated as follows:

The first signal shall be given twenty minutes before the hour set for work to begin; the gate shall be opened at this signal.

The second signal shall stop five minutes before the hour at which work is to begin.

The third signal shall be given at the exact hour set for work to begin.

At this signal the gate shall be closed and every worker must begin his work.

At the beginning of the shifts, five minutes after the third signal, the entrance to the plant shall be reopened for fifteen minutes to admit the late-comers.

Wage adjustments for the late-comers shall be calculated beginning a half-hour after the regular working hours.

The end of work is indicated by a single signal given at the end of the shift; no worker shall stop work before this signal is given.

Iron-working plants. The entrance of the employees into the plant, whether in the morning or afternoon, shall be regulated as follows:

The first signal shall be given twenty minutes before the time set for work to begin; the gate shall be opened at this signal.

The second signal shall stop five minutes before the time set for work to begin.

The third signal shall be given at the exact hour set for work to begin.

At this signal the gate shall be closed and every worker must begin his work.

At the beginning of the shifts, five minutes after the third signal, the entrance to the factory shall be reopened for fifteen minutes to admit the late-comers.

Wage adjustments for the late-comers shall be calculated beginning a half-hour after the regular working hours.

The time to stop work shall be indicated by a single signal given at the end of the shift; no worker shall stop work before such signal is given.

In the case of more shifts, the workman on the quitting shift

shall not leave his work unless he has been relieved by the workman on the next shift.

In departments where continuous furnaces are used, and their auxiliaries, the management may admit late-comers for more than fifteen minutes, so as not to impede, in their judgment, the normal progress of the work, and this is to be done with due penalties which shall not exceed the amount of time lost to employees, calculated on the basic wage.

Discipline in the Factories

Article 20. Irregular use of cards or vouchers. It is absolutely forbidden to make changes or erasures on the cards, to take out that of another employee, or to attempt in any way to alter the indications of the time clock.

Infractions of such rules may result in dismissal according to Article 34.

Like penalties shall be imposed upon those who make irregular use of the vouchers.

Any worker who has failed to follow the regular procedure required for the card or voucher and can not absolutely prove his presence in the workshop before leaving, shall be considered absent; in any case he shall be considered a late-comer.

Article 21. Permission for entering and leaving. No employee may leave his work without a justifiable reason; likewise, he may not leave the workshop without authorization.

Dismissed or suspended employees shall not be allowed to enter the workshop.

No employee shall enter or remain in the workshop at hours outside his shift without special permission from his immediate chief.

Permission to leave the factory must be requested by the employee from his immediate chief in the first hours of work (except in exceptional cases).

When an employee leaves his work, either with permission or because of illness, before one hour of working time has elapsed, no recompense shall be given for the time worked.

Article 22. Absences. All absences must be justifiable.

Every absence which is unjustifiable or not permitted by the factory shall be punished by a fine of from 25 to 50% of the pay for the hours of absence according to the wage scale.

The worker who remains away from work for three consecutive days or three times a year on the days immediately following holidays shall be liable to dismissal for absence according to Article 34.

In the case of illness the employee shall be required to notify the management within the second day of his absence, so that the management may exercise its privilege of having the illness verified by its own physician.

Article 23. Consignment of tools and materials. Every worker must request the necessary tools and materials from his superior.

The worker is responsible for the tools he receives in regular consignment. He must also take it upon himself to list in a note-book the tools which are his own property, so that he can take them away if he is dismissed or resigns.

In the case of dismissal or resignation, before leaving the plant the worker must return to the store-room of the workshop to which he belongs all that has been consigned to him. Not until he has done so may an accounting of his wages be made and the service certificate be given him.

Article 24. Maintenance of tools and materials. It shall be the duty of the employee to keep the machines, tools, instruments, lockers, designs, and in general all that has been entrusted to him in good condition. The worker shall answer for the loss of or actual damage done to such objects through his own negligence, and their cost shall be deducted from his wages.

No alterations shall be made in the instruments entrusted to the worker without the consent of his chief. An employee is responsible for any unauthorized alterations and reimbursement may be taken by the management from the wages of the employee for the time lost and the damages done to the material. The work bench must be kept clean and orderly.

On Saturdays work shall be terminated before the regular closing hour for a period of time to be fixed by the manage-

ment to permit the worker to clean his machines and work bench thoroughly.

Article 25. Inventory and personal inspection. No employee may refuse inspection for the purpose of inventory, authorized by superior order, of the instruments entrusted to him or object to any personal inspection at the factory exit.

Provisions for Hygiene During Work

Article 26. Accidents and hygiene. When an accident occurs at work, however slight, the injured worker shall immediately notify his superior, who shall direct him to the factory infirmary to make the necessary declarations according to the laws governing such occurrences.

When the accident happens to the employee while engaged in work outside the factory the notification shall be made at the nearest first-aid station, the proper witnesses having been procured.

It is understood that all the points of the law must be observed, with respect to accidents and their settlement, as well as those for the general regulation of and special rules for workers' health and hygiene.

Article 27. Prohibitions. Collections, soliciting signatures, and the sale of tickets or objects are forbidden inside the plant.

It is forbidden to smoke or to bring food and alcoholic beverages into the workshop without permission from the management.

The employee is forbidden to work in any work-room other than that to which he has been assigned by the management, except in cases where work has been suspended.

The employee is forbidden to operate without permission a machine that has not been assigned to him.

Article 28. Special rules. Besides the rules set up by the present collective contract, the employees are subject to the special rules which may be determined upon for particular eventualities and which shall be posted either on the bulletin board at the entrance to the plant or inside the work-room. (The special

rules shall in no way contravene the present collective contract.)

Article 29. Penalties. Any infraction of the present collective contract shall render the employee liable, according to the gravity of the offense and at the discretion of the management, to the following penalties:

- (1) Forfeiture of a maximum of six hours' normal pay.
- (2) Suspension of employment (maximum of three days).
- (3) Dismissal according to Article 34.

The amounts retained from wages for indemnification shall be fixed with regard to the damage done.

All fines and amounts retained from wages, except those imposed for violation of rules that relate to absence from work, failure to give notification, repairs, damages to the property of the factory and materials of production, shall be transferred to the fund set up by Article 14.

However, provisions now existing shall be retained provided they are for benevolent purposes for the benefit of the employees.

Article 30. Fines and suspensions. The management may impose fines or suspensions on the employee who:

- (a) Abandons his work bench without just cause;
- (b) Performs the work entrusted to him negligently or with excessive slowness;
- (c) Through negligence spoils the property of the plant or the materials used in the work;
- (d) Smokes or brings alcoholic beverages into the work-room without permission of the management;
- (e) Comes to work intoxicated;
- (f) Makes collections or takes subscriptions inside the factory;
- (g) Is late beginning work, stops it, or leaves it before closing time;
- (h) In any way violates the present collective contract or the special rules (v. Article 28), or acts in any manner which might bring damage to the discipline, the morale, the hygiene, or the safety of the plant.

Article 31. Change of the firm. In case the firm at any time ceases to function or changes ownership, the personnel keep the rights acquired and the obligations stipulated in the present contract.

The new proprietor is not freed from the obligation of recognizing the rights acquired by the personnel to all benefits of seniority of service unless such claims have been met in full by the preceding proprietor.

Article 32. Dismissals and resignations. An employee may be dismissed or may resign at any time subsequent to one week's notification, except in those situations provided for by Article 34.

However, the management has the right to dismiss an employee on any day subsequent to his notification provided normal wages for the working hours of the remainder of the week are paid him.

Article 33. Indemnity for dismissal and in case of death. The employee dismissed for reasons not stated in Article 34 has the right to indemnity as follows:

(a) For the first completed year of uninterrupted work at the plant, one day's (eight hours') normal pay.

(b) For the second to the fourth years inclusive, two days' (sixteen hours') normal pay for every completed year.

(c) For the fifth to the fifteenth years inclusive, three days' (twenty-four hours') pay for every completed year.

(d) For the succeeding years, four days' (thirty-two hours') pay for every completed year.

To the workers in service on the twenty-eighth of October, 1927, year V, a maximum of seventeen years' seniority in service will be recognized, whatever greater seniority they have reached at the firm by that date.

The greater indemnities provided for in sections (a) and (b) (respectively one and two days) shall not be recognized for seniority already reached when the present collective contract goes into effect; however, such period of service shall be recognized in the right to the greater indemnities provided for in sections (c) and (d) for the period of service following that date.

In case of the death of an employee, the above-stated indemnities are payable to the spouse and the living relatives.

Article 34. Acts punishable by dismissal. Employees shall be liable to dismissal by the management, with immediate cessation of work and wages when found guilty of the following offenses:

(a) Insubordination to one's superiors.

(b) Theft of, or willful damage to, the property of the plant or work materials.

(c) Fighting on the premises.

(d) Taking sketches, designs of machines, tools or other property from the factory.

(e) Construction of objects for one's own use or for the use of others. For such action, the worker must reimburse the factory for the materials used.

(f) Repetition of any offense mentioned in Article 30 within the twelve-month period succeeding suspension.

Article 35. Complaints and controversies. All complaints of a purely individual character must follow the customary disciplinary rules of the factory and shall be adjusted directly with the employees involved and their superiors.

The controversies which may arise on collective problems of a work-room or a plant, and individual complaints beyond the terms and application of the present collective contract which have an evident character of general interest to the group, shall be adjusted by the appropriate organizations.

Article 36. Professional instruction. The contracting organizations take notice of the need for co-ordinating and improving the means of professional training, by which the followers of the trades can perfect their technical knowledge of their own work in the superior interest of production.

Apprentices are permitted to be absent from work in order to attend professional schools.

Those who have profitably attended schools shall have the right to preference in the employment of workers.

Article 37. General provisions. Eventual modifications of the rules of the present collective contract will be permitted in

order to adapt it to the particular conditions of any industry or locality, provided the consent of the proper organizations be secured.

It is necessary to note how this contract differs from the old ones in that:

(1) It is a national contract, not only because it is valid for all of Italy but also because it protects the interests of the nation.

(2) It fixes minimum wages.

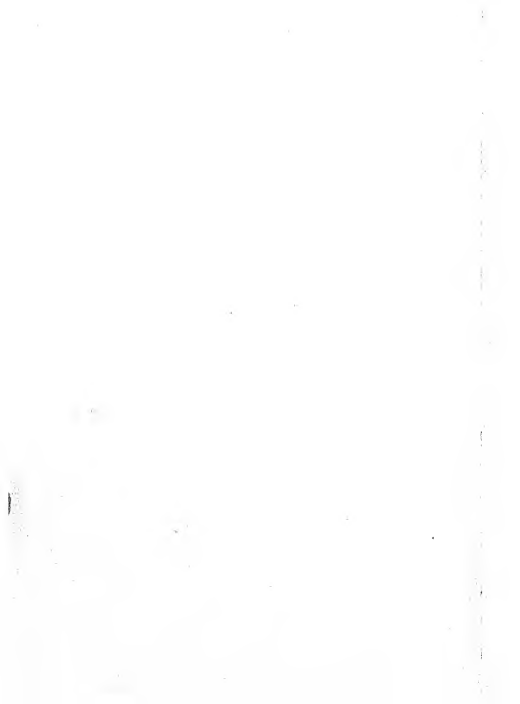
(3) It delimits classes, favoring professional preparation, acknowledgment of technical capacity, the advancement of the worker.

(4) It regulates piece-work in conformity with the principles of the Labor Charter.

(5) It applies the various principles of social assistance such as vacations, dismissal indemnities, mutual benefit payments, employment agencies, and hygiene.

(6) It regulates in the common interest the functions and activities of the personnel.

(7) It protects and rationalizes the interests of the parties, harmonizing them in a Fascist way with the interests of the country.



DOCUMENTS

ON THE

NAZI GOVERNMENT OF GERMANY

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PREFATORY NOTE

The selections included in this section are taken principally from the German statutes. They represent the most important official actions taken by the Hitler government in establishing and solidifying the structure of the Nazi state. Many of these legal selections are of a fundamental, organic nature. Others are ordinary laws which indicate the peculiar emphases in Nazi policy.

A few selections from various other sources are included to call attention to important phases of Nazi activity not adequately covered in any legal enactment. Some of the selections of this type are taken from German sources, a few from the writings of American students. The program of the party and the speeches of Hitler are given in order to mark out the lines of National Socialist development and to illuminate the ideas of the leader of the movement.

Students should always pay attention to the source from which any selection is taken and read it with this source in mind. In this way an understanding of the basic features of the Nazi government can be secured without involving oneself in the dangerous practice of swallowing propaganda while thinking it to be the truth.

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CONTENTS

	PAGE
I. PROGRAM OF THE NATIONAL SOCIALIST GERMAN WORKERS' PARTY	9 —
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 1-3.	
II. LAW TO COMBAT THE NATIONAL CRISIS (THE ENABLING ACT)	14 —
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., p. 3.	
III. LAW FOR THE NEW STRUCTURE OF THE REICH AND DECREE FOR ITS ADMINISTRATION	16 —
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 22-23.	
IV. LAW CONCERNING THE HEAD OF THE GERMAN REICH	18 —
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., p. 25.	
V. LAW RELATING TO NATIONAL GOVERNORS	19
<i>Reichsgesetzblatt</i> , 1935, No. 7, p. 65 (January 30, 1935). (Hereafter cited R G B.)	
VI. DECREE FOR THE ESTABLISHMENT OF A MINISTRY FOR PUBLIC ENLIGHTENMENT AND PROPAGANDA, AND DECREE CONCERNING ITS DUTIES	21
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 28-30.	
VII. LAW CENTRALIZING THE ADMINISTRATION OF JUSTICE R G B, 1935, No. 7, p. 68 (January 31, 1935).	24
VIII. SELECTIONS RELATING TO THE CIVIL SERVICE	25
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 36-42.	
IX. THE GERMAN MUNICIPAL CODE	34
R G B, No. 6, p. 49 (January 30, 1935).	
X. LAW PROHIBITING THE FORMATION OF NEW POLITICAL PARTIES	66
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., p. 25.	

	PAGE
XI. LAW AND DECREE FOR SAFEGUARDING THE UNITY OF PARTY AND STATE	67
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 26-27, and R G B, No. 39, p. 502 (April 9, 1935).	
XII. LAW CONCERNING THE SECRET STATE POLICE	70
<i>Preussische Gesetzssammlung</i> , 1936, No. 5, p. 21 (February 12, 1936). (Hereafter cited Pr G S.)	
XIII. LAW CONCERNING REFERENDA	72
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., p. 42.	
XIV. SUFFRAGE LAW FOR REICHSTAG ELECTIONS	73
R G B, 1936, No. 19, p. 133 (March 7, 1936).	
XV. FACSIMILE OF THE BALLOT USED IN THE ELECTION OF AUGUST 2, 1934	74
XVI. FACSIMILE OF THE BALLOT USED IN THE ELECTION OF MARCH 29, 1936	75
XVII. RESULTS OF THE REICHSTAG ELECTION OF MARCH 29, 1936	76
<i>Deutscher Reichsanzeiger und Preussischer Staatsanzeiger</i> , No. 78, April 1, 1936.	
XVIII. REICH CITIZENSHIP LAW AND DECREE FOR ITS ADMINISTRATION	77
R G B, 1935, N. 100, p. 1145 (September 16, 1935); R G B, 1935, No. 125, p. 1333 (November 14, 1935).	
XIX. LAW AND DECREE FOR THE PROTECTION OF GERMAN BLOOD AND GERMAN HONOR	80
R G B, 1935, No. 100, p. 1146 (September 15, 1935); R G B, 1935, No. 125, p. 1334 (November 14, 1935).	
XX. THE REICH FLAG LAW	84
R G B, 1935, No. 100, p. 1145 (September 15, 1935).	
XXI. PROCLAMATION TO THE GERMAN PEOPLE AND THE LAW FOR THE ORGANIZATION OF A FORCE OF DEFENSE	85
R G B, 1935, No. 28, p. 369 (March 16, 1935).	
XXII. LAW FOR NATIONAL DEFENSE AND SUPPLEMENTARY ORDERS	91
R G B, No. 52, p. 609 (May 21, 1935); R G B, No. 80, p. 706 (September 5, 1936).	
XXIII. REICH PROPERTY INHERITANCE LAW	94
R G B, No. 108, p. 685 (September 29, 1933).	

	PAGE
XXIV. NATIONAL LABOR SERVICE LAW AND SUPPLEMENTARY ORDERS	97
R G B, No. 64, p. 769 (June 27, 1935); R G B, No. 85, p. 747 (September 28, 1936).	
XXV. AN AMERICAN STUDENT'S IMPRESSIONS OF THE GERMAN LABOR SERVICE CAMP "WESTERWALD"	100
<i>Mitteilungen der Vereinigung Karl Schurz</i> , July 18, 1936.	
XXVI. FUSION OF INDUSTRIAL BUSINESS WITH THE GERMAN LABOUR FRONT	103
<i>News in Brief</i> , vol. 3, 1st April Issue, No. 7, 1935.	
XXVII. THE DEVELOPMENT OF THE GERMAN EDUCATIONAL PLAN, 1934-1935	107
Report of the German Delegation at the 4th International Education Conference, Geneva, August, 1935.	
XXVIII. PRESIDENT HINDENBURG'S POLITICAL TESTAMENT	117
<i>News in Brief</i> , September, 1934.	
XXIX. SPEECH OF CHANCELLOR ADOLF HITLER BEFORE THE REICHSTAG ON MARCH 23, 1933	122
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 63-75.	
XXX. SPEECH OF CHANCELLOR HITLER TO THE REICH COMMISSIONERS IN THE REICH CHANCERY, BERLIN, ON JULY 6, 1933	139
Pollock and Heneman, <i>The Hitler Decrees</i> , 2nd ed., pp. 78-80.	
XXXI. MEMORIAL TO CHANCELLOR HITLER OF TEN LEADERS OF THE CONFESIONAL MOVEMENT OF THE GERMAN EVANGELICAL CHURCH	142
<i>New York Herald Tribune</i> , July 21, 1936.	
XXXII. RACIAL THEORY AND NATIONAL SOCIALIST POLITICAL THOUGHT	157
Lawrence Preuss in <i>The Southwestern Social Science Quarterly</i> , vol. XV, No. 2, pp. 1-16 (September, 1934).	
XXXIII. NATIONAL SOCIALISM: THEORY AND PRACTICE	164
Dorothy Thompson in <i>Foreign Affairs</i> , vol. 13, pp. 557-573 (July, 1935).	
XXXIV. THE POLITICAL THEORY OF GERMAN FASCISM	183
Frederick L. Schuman in <i>The American Political Science Review</i> , vol. 28, pp. 210-232 (April, 1934).	

I

PROGRAM OF THE NATIONAL SOCIALIST GERMAN WORKERS' PARTY

The program of the National Socialist German Workers' party is a time program. The leaders decline, after achievement of the purposes laid down in the program, to set up new goals only for the purpose of making possible the continuance of the party through the artificially stimulated dissatisfaction of the masses.

1. We demand the union of all Germans in one Great Germany by the right of self-determination of peoples.

2. We demand the equality of the German nation with all other nations and abrogation of the Treaties of Versailles and St. Germain.

3. We demand land and territory (colonies) for the feeding of our people and for the settlement of our surplus population.

4. Only those who are members of the nation can be citizens. Only those who are of German blood, without regard to religion, can be members of the German nation. No Jew can, therefore, be a member of the nation.

5. He who is not a citizen shall be able to live in Germany only as a guest and must live under laws governing foreigners.

6. The right to decide on the leadership and on the laws of the state may belong only to citizens. Therefore we demand that every public office, of whatever sort, whether of the Reich, of the states, or of the communes, shall be filled only by citizens. We fight against the corrupting parliamentary system of filling offices with people chosen because of their party viewpoint without regard to character and ability.

7. We demand that the state be obliged, in the first instance, to provide the possibility of work and life for the citizen. If it

is not possible to feed the entire population of the state, the subjects of foreign states (non-citizens) must be expelled from the Reich.

8. All further immigration of non-Germans is to be prevented. We demand that all non-Germans who have immigrated to Germany since the second of August, 1914 shall be compelled to leave the Reich immediately.

9. All citizens must possess the same rights and duties.

10. The first duty of every citizen is to work productively with mind or body. The activities of individuals must not transgress the interests of the community but must be for the common good.

THEREFORE WE DEMAND:

11. The elimination of income which is acquired without labor or effort.

BREAKING OF THE INTEREST SLAVERY

12. Out of regard to the frightful sacrifice in goods and blood which every war demands from the nation, personal enrichment through war must be designated as a crime against the nation. We demand, therefore, summary confiscation of all war profits.

13. We demand the nationalization of all trusts.

14. We demand profit-sharing in large concerns.

15. We demand a large scale extension of the old-age pension system.

16. We demand the creation of a sound middle class and its maintenance, immediate communalization of large department stores and their rental at low cost to small merchants, the strictest control of all small merchants in their dealings with the national government, the states or the communes.

17. We demand land reform adapted to our national needs, the enactment of a law for the uncompensated expropriation

of land for public purposes, the elimination of land interest and the prevention of land speculation.¹

18. We demand the most ruthless campaign against everyone who injures the public interest by his actions. Those who commit crimes against the people, usurers, profiteers and so forth, must be punished by death, without respect to religion or race.

19. We demand that the Roman Law, which serves the materialistic world order, shall be replaced by a legal system for all Germany.

20. In order to make possible the attainment of higher education for every capable and industrious German and thereby the entrance into a leading position, the state has the responsibility of providing for a fundamental extension of our entire educational system. The teaching plans of all educational institutions must be adapted to the demands of practical life. An understanding of national consciousness must be taught to the children at the earliest possible age. We demand the education at state expense of especially gifted children of poor parents without regard to profession or position.

21. The state must care for the improvement of the people's health through the protection of mother and child, through the forbidding of child-labor, through development of physical capability by means of legislative provision of a gymnastic and sports duty and through the greatest support of all associations engaged in physical education of youth.

22. We demand the abolition of the mercenary army and the formation of a people's army.

¹ An "explanation" of this section of the program was added by Hitler on April 13, 1928, as follows: "In reply to the lying expositions of Point XVII of the program of the National Socialist party which our opponents have made, the following declaration is necessary. Since the National Socialist party stands firmly for the principle of private property, it is self-evident that the passage 'to expropriate without compensation' can only apply to the creation of laws concerning land which has been illegally acquired or which has not been administered according to the common good and which, therefore, should be expropriated when necessary. Such action is directed in the first place against Jewish companies engaged in land speculation."

23. We demand legislative action against conscious political lies and their propagation through the press. In order to make possible the creation of a German press, we demand that:

(a) All editors and contributors of newspapers which appear in German, must be citizens,

(b) Non-German newspapers must have the special permission of the state in order to be published. They shall not be allowed to be published in the German language,

(c) Every financial participation in German newspapers or the influencing by non-Germans is to be forbidden and we demand as punishment for violation the closing of such newspaper plant, as well as the immediate expulsion from the Reich of the participating non-German.

Newspapers which work against the public welfare are to be forbidden. We demand legislative action against an artistic and literary tendency which exerts a destructive influence over our national life and the closing of institutions which conflict with these demands.

24. We demand the freedom of all religions in the state in so far as they do not endanger its welfare or offend against the morals and sense of decency of the German race.

The party as such represents the standpoint of a positive Christianity without binding itself to a particular belief. It fights the Jewish materialistic spirit within and without and is convinced that a permanent convalescence of our nation can only succeed from within on the foundation of:

PUBLIC INTEREST BEFORE PRIVATE INTEREST

25. For the carrying out of all these we demand: The creation of a strong central power in the Reich; absolute authority of the political central parliament over the entire Reich and all its organizations.

The formation of professional and trade chambers for the carrying out of the general laws of the Reich in the individual federal states.

The leaders of the party promise to work ruthlessly for the carrying out of the points above set forth even to the extent of risking their lives for the program.

MUNICH, February 24, 1920

Signed, ADOLPH HITLER

II

LAW TO COMBAT THE NATIONAL CRISIS

(The Enabling Act)

(March 24, 1933)

[This so-called Enabling Act, pushed through the Reichstag and the Reichsrat following the election of March 7, 1933, and after a threat by Chancellor Hitler that he would act even if the bill were not passed (see speech of Hitler, No. XXIX, p. 138), is the first basic law of the Nazi state. From the moment this law became effective, legislative power has been exercised by the Cabinet, and the Reichstag is now a supernumerary body. The Reichsrat has since been abolished.]

The Reichstag has enacted the following law which, with the consent of the Reichsrat and after determination that the requirements for laws changing the constitution have been complied with, is hereby promulgated:

Article 1. National laws can be enacted by the national cabinet as well as in accordance with the procedure established in the constitution. This applies also to the laws referred to in article 85, paragraph 2, and in article 87 of the constitution.

Article 2. The national laws enacted by the national cabinet may deviate from the constitution insofar as they do not affect the position of the Reichstag and the Reichsrat. The powers of the president remain undisturbed.

Article 3. The national laws enacted by the national cabinet are prepared by the chancellor and published in the *Reichsgesetzblatt*. They come into effect, unless otherwise specified, upon the day following their publication. Articles 68 to 77 of

the constitution do not apply to the laws enacted by the national cabinet.

Article 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation. The national cabinet is empowered to issue the necessary provisions for the execution of these treaties.

Article 5. This law becomes effective on the day of its publication. It becomes invalid on April 1st, 1937; it further becomes invalid when the present national cabinet is replaced by another.

Berlin, March 24th, 1933.

The National President
VON HINDENBURG

The National Chancellor
ADOLPH HITLER

The National Minister of the Interior
FRICK

The National Minister of Foreign Affairs
FREIHERR VON NEURATH

The National Minister of Finances
COUNT SCHWERIN VON KROSIGK

III

LAW FOR THE NEW STRUCTURE OF THE REICH (January 30, 1934)

[This is the second basic enactment of the Hitler government which further concentrates power in the hands of the central governing authority—the Cabinet. It was passed on the first anniversary of Hitler's accession to power.]

The plebiscite and the Reichstag election of November 12, 1933 have proved that the German people have been amalgamated beyond all inner political differences and antagonisms into an indissoluble inner unity.

The Reichstag has therefore unanimously enacted the following law which, with the unanimous consent of the Reichsrat, and after determination that the requirements for laws changing the constitution have been complied with, is hereby promulgated.

Article 1. The state legislatures are abolished.

Article 2. (1) The rights of the states are transferred to the Reich. (2) The state cabinets are subordinate to the national cabinet.

Article 3. The national governors come under the supervision of the national minister of the interior.

Article 4. The national cabinet is empowered to prepare a new constitution.

Article 5. The national minister of the interior decrees the necessary legal ordinances and administrative provisions for the execution of the law.

Article 6. This law becomes effective with the day of publication.

DECREE CONCERNING THE NEW STRUCTURE OF THE REICH
(February 2, 1934)

On the basis of article 5 of the law of January 30, 1934 concerning the reconstruction of the Reich, the following is decreed:

1. The state officials are permitted in the place of and in the name of the Reich, to exercise the rights which were transferred from the states to the Reich, insofar as the Reich does not make general or specific use of them.

2. Treaties and administrative agreements between the states or between a state and the Reich are not disturbed by the transfer of the rights of the states to the Reich.

3. (1) State laws require the consent of the competent national ministers.

(2) Within his jurisdiction the competent national minister can require that legal decrees be laid before him prior to their issuance.

IV

LAW CONCERNING THE HEAD OF THE GERMAN REICH

(August 1, 1934)

[This law, made necessary by the death of President Hindenburg, completes the transition from the Weimar system to a complete Nazi dictatorship.]

The national cabinet has decided upon the following law which is hereby proclaimed.

1. The office of the national president is united with that of the national chancellor. In consequence, the former powers of the national president pass to the leader and national chancellor, Adolf Hitler. He appoints his deputy.

2. This law becomes effective from the moment of the death of the National President von Hindenburg.

V

LAW RELATING TO NATIONAL GOVERNORS

(January 30, 1935)

[The creation of the office of national governor was made necessary by the elimination of the German states as effective units of government. This law makes clear the position and powers of these newly created officials.]

The national cabinet has enacted the following law which is hereby promulgated:

1. (1) The national governor is the permanent representative of the national cabinet in his district.

(2) It is his duty to see that the policies of the leader and national chancellor are observed.

2. (1) The national governor is empowered to inform himself concerning all national and state officials and also all offices of public corporations which come under the supervision of the Reich or the states, to call their attention to the authoritative points of view and the measures necessary to conformity therewith, and in the event of danger to issue temporary orders without delay.

(2) He cannot delegate these rights to the officials attached to him.

3. The national ministers, in execution of the duties incumbent upon them, are empowered to furnish the national governors with direct instructions provided they do not detract from the jurisdiction of the minister of the interior.

4. The leader and national chancellor is empowered to commission the national governor to direct the state cabinet. In this capacity the national governor may authorize a member of the state cabinet to represent him.

5. On proposal of the national governor, the leader and national chancellor appoints and dismisses the members of the state cabinet.

6. The national governor prepares and promulgates the state laws after approval by the national cabinet.

7. The power of appointment and removal of the state officials belongs to the leader and national chancellor. He exercises this power himself or he may confer its exercise upon other officials with the right of further transfer.

8. The power of pardon belongs to the leader and national chancellor. He exercises this power himself or he may confer its exercise upon other officials with the right of further transfer.

9. (1) The leader and national chancellor appoints the national governor and may remove him at any time.

(2) The leader and national chancellor designates the official district of the national governor.

(3) The provisions of the law of national ministers of March 27, 1930, are to apply to the office of national governor with the respective modifications.

10. (1) In Prussia the leader and national chancellor exercises the rights of the national governor. He can transfer the exercise of these rights to the minister president.

(2) The minister president is the head of the state cabinet. In the name of the leader and national chancellor and after approval by the national cabinet he prepares and promulgates the state laws.

11. The second law for the unification of the states with the Reich of April 7, 1933, as altered by the laws of April 25, 1933, May 26, 1933, and October 14, 1933, is abrogated.

12. The national minister of the interior is empowered to issue the necessary legal and administrative provisions for the execution of the law, so far as they are not reserved to the leader and national chancellor.

VI

DECREE FOR THE ESTABLISHMENT OF A MINISTRY FOR PUBLIC ENLIGHTEN- MENT AND PROPAGANDA

(March 13, 1933)

[This new Ministry was the invention of Dr. Goebbels who, since its creation, has been its head. In no state is there a more efficient and effective instrument for the control of public opinion than this Ministry. It is to-day one of the most important cogs in the Nazi machine.]

For purposes of enlightenment and propaganda among the people concerning the policy of the national cabinet and the national reconstruction of the German fatherland, a ministry for public enlightenment and propaganda is established.

The chief of this office bears the title "minister for public enlightenment and propaganda."

The individual duties of the ministry for public enlightenment and propaganda are determined by the national chancellor. He likewise determines—in consultation with the ministries affected—the duties which are to be transferred from their respective spheres of competence to the new ministry, and, also, when the spheres of competence of the affected ministries are touched in their essentials.

DECREE CONCERNING THE DUTIES OF THE MINISTRY FOR PUBLIC ENLIGHTENMENT AND PROPAGANDA

(June 30, 1933)

Based on the decree of the national president of March 13, 1933, I decree, in agreement with the minister of foreign affairs, the minister of the interior, the minister of commerce, the min-

ister for food and agriculture, the minister of posts, the minister of communications, and the minister for public enlightenment and propaganda the following:

The minister for public enlightenment and propaganda is competent to deal with all measures of mental influence (*geistigen Einwirkung*) upon the nation, the publicity for state, culture and business, the instruction of the public within and outside the nation concerning the above, and the administration of all establishments (devices) which serve all these purposes.

Consequently the following are to be transferred to the administrative jurisdiction of the minister for public enlightenment and propaganda:

1. From the jurisdiction of the foreign office: Intelligence reports and publicity in foreign countries, art, art exhibits, film and sport affairs in foreign countries.

2. From the jurisdiction of the ministry of the interior:

Explanation of general domestic politics,

University for Politics,

Establishment and celebration of national holidays and state celebrations with the participation of the ministry of the interior,

The Press (with the Institute for Journalism),

Radio,

National anthem,

German Library in Leipzig,

Art (but not including the art-historical institute in Florence, copyright for works of literature and art index of the valuable national works of art, German-Austrian treaty concerning export of art, protection of art objects and monuments, protection and care of landscape and nature monuments, game and forest preserves, preservation of buildings of especial historical significance, preservation of national monuments, Association of German societies for folklore, national honor-monument),

Music cultivation (including philharmonic orchestras),

Theatrical affairs,

Combating of trash and obscenity.

3. From the jurisdictions of the ministry of commerce and the ministry for food and agriculture:

Business publicity and advertising matters for expositions and fairs.

4. From the jurisdictions of the ministry of posts and the ministry of communications:

Travel publicity.

All radio matters which in the past were dealt with by the ministry of posts, are transferred from its jurisdiction insofar as they do not pertain to technical administration, except in the National Radio Corporation and the Radio Corporation buildings. In matters of technical administration the minister for public enlightenment and propaganda is to participate insofar as is necessary for the execution of his own duties, especially in the determination of conditions for loans to radio-plants and the regulations of their dues. In particular, the representation of the Reich in the National Radio Corporation and in the Radio Corporations is transferred completely to the minister for public enlightenment and propaganda.

In the designated fields the minister for public enlightenment and propaganda is in charge of all matters, including legislation. For participation by the remaining national ministers, the general regulations apply.

VII

LAW CENTRALIZING THE ADMINISTRATION OF JUSTICE

(January 31, 1935)

[The following law indicates the progress which is being made in centralizing the administration of governmental functions in the Reich. This amalgamation of state with national administration is not yet complete although the control over all functions of government has been effectively centralized in the Reich.]

Since the administration of justice in the states has been placed in the hands of the National Minister of Justice, the Reich hereby takes over, as possessor of full judicial power, the entire judicial system with all of its privileges, rights, and duties, and with all of its officials and offices. Consequently the Cabinet has decided upon the following law which is hereby proclaimed:

1. On the first of April, 1935, the state authorities of justice will become Reich authorities, the state officials of justice Reich officials, and the employees and workers of the state authorities will enter the service of the Reich.

* * * * *

VIII

SELECTIONS RELATING TO THE CIVIL SERVICE

[The Civil Service has been one of the pillars of the German state. It continues to occupy an important place in the Nazi state, but its personnel and the nature of the employee relation to government have been vitally and fundamentally changed as the following acts and regulations will show. A new law of public officers is in preparation but it is not yet ready for publication.]

LAW FOR THE RESTORATION OF THE PROFESSIONAL CIVIL SERVICE

(April 7, 1933)

1. (1) For the restoration of a national civil service and for the simplification of the administration, officials may be discharged according to the following regulations, even when the suppositions required by existing law are not present.

(2) Officials within the scope of this law are direct and indirect officials of the Reich, direct and indirect officials of the states, and officials of the communes (*Gemeinde*) and counties (*Gemeindeverbände*), officials of public law corporations, as well as establishments and businesses of equal status. . . . The regulations are also to be applied to social insurance employees who have the rights and duties of the officials.

(3) Officials within the scope of this law also include those who are temporarily pensioned.

(4) The Reichsbank and the German State Railways are empowered to decree similar regulations.

2. (1) Officials who have entered the service since November 9, 1918 without possessing prescribed or customary training or

other qualifications for their career are to be discharged from the service. For three months after dismissal, they will be paid their former salary.

(2) They have no claim to partial compensation (*Wartegeld*), pension, or pensions for heirs, or for the continued use of the office-designation, the title, the uniform, or the service insignia.

(3) In case of distress, especially when officials are providing for needy relatives, an annuity which can be withdrawn at any time, amounting up to one-third of the existing basic salary of the position last filled by them, can be granted to them; re-insurance under the provisions of the national insurance law is not possible.

(4) The regulations of paragraphs 2 and 3 are to find corresponding application to persons designated in paragraph 1, who have been pensioned before this law became effective.

3. (1) Officials who are not of Aryan descent, are to be retired (see section 8); where honorary officials are concerned they are to be discharged from office.

(2) Paragraph 1 does not apply to officials who have been in service since August 1, 1914, or who fought in the World War at the front for the German Reich or for its allies or whose fathers or sons were killed in the World War. The minister of the interior after consultation with the competent minister or with the highest state authorities may permit further exceptions in the case of officials who are in foreign countries.

4. Officials who because of their previous political activity do not offer security that they will exert themselves for the national state without reservations, may be discharged. For three months after dismissal, they will be paid their former salary. From this time on they receive three-quarters of their pensions (see paragraph 8) and corresponding annuities for their heirs.

5. (1) Every official must submit to a transfer to an office of the same or of an equally-valued career, also to one of lesser rank and scheduled salary—with a refund of the necessary moving expenses—if the needs of the service demand it. When the official is transferred to a position of lesser rank and scheduled salary, the official retains his original title and the salary of the office he formerly held.

(2) The official may demand, within a month, that in place of a transfer to an office of lesser rank and scheduled income that he be pensioned.

6. For the simplification of administration, officials may be pensioned, even when they are capable of service. When officials are retired for this reason, their positions may not be filled again.

7. (1) Discharges from office, transfers to other offices, and pension cases are decided finally by the highest national or state authorities without legal recourse.

(2) Changes in the service according to paragraphs 2 to 6 must be submitted by September 30, 1933 at the latest. The time-limit may be shortened after consultation with the minister of the interior, if the highest competent national or state authorities declare that the provisions of this law have already been carried out.

8. The officials retired or discharged according to paragraphs 3 and 4 will not receive a pension, if they have not completed at least ten years service; this also applies in those cases, in which according to prevailing regulations of national and state law, a pension is already granted for a shorter period of service.

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FIRST DECREE FOR THE EXECUTION OF THE LAW FOR THE RESTORATION OF THE CIVIL SERVICE

(April 11, 1933)

Addition to section 3, law of April 7, 1933

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2. (1) A non-Aryan is one who is descended from non-Aryan, particularly Jewish parents or grandparents. It suffices if either parent or either grandparent is non-Aryan. This is especially to be accepted if either parent or either grandparent has professed the Jewish religion.

* * * * *

THIRD DECREE FOR THE EXECUTION OF THE LAW FOR
THE RESTORATION OF THE CIVIL SERVICE

(May 6, 1933)

Addition to section 1, law of April 7, 1933.

Officers within the scope of this law also include judges and teachers in the public school system, teachers at scientific universities, and also the full and assistant professors who have been relieved of their official duties. In addition, honorary professors, non-official assistant professors and *privatdozenten* at universities are to be considered officers within the scope of this law. Likewise the former court (royal) officials and the notaries, even when they only draw fees, have the status of public officers. Officials of the old and new military forces and the members of the protective police of the states are public officers, but military officers, health officers, veterinary officers, subaltern officers and enlisted men of the old and new military forces do not have the status of officer.

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Addition to section 2, law of April 7, 1933.

Those who have participated in communistic activities are to be discharged even if they no longer belong to the Communist party, or its auxiliary or collateral organizations. The so-called national communistic movement (Black Front) is also considered to be communistic.

Addition to section 3, law of April 7, 1933.

(1) In the meaning of this law, front-fighter is one who, during the World War (from August 1, 1914 to December 31, 1918) participated with the fighting troops in a battle, a skirmish, trench warfare, or in a siege. It is not sufficient if one has served in the war-zone during the war, without having confronted the enemy.

(2) In particular, a front-fighter is one to whom the medal for being wounded has been given.

(3) Participation in the fighting in the Baltic states, in Upper Silesia, against Spartacists and Separatists, as well as against the enemies of the national revolution, is to be ranked equal with participation in the fighting of the World War.

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Addition to section 4, law of April 7, 1933.

1. The membership of an official in a political party—the Communist party excepted—does not in itself justify the assumption of national unreliability. This is also true if the official has been an inscribed member of the party, has paid dues to it, and has attended its meetings.

2. The suppositions for section 4, sentence 1, are especially fulfilled, if an official has opposed the national movement by speech, writing or by other hateful conduct, has insulted its leaders or has misused his official position to persecute, demote, or otherwise harm officials who hold national opinions. If this is the case, then his entrance since January 30, 1933, into a party or into a society which supports the government of national revolution will not excuse him. No significance shall be attached to occasional indiscretions during the election campaign.

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5. The league of republican officials and the Iron Front are also to be considered as political parties in the meaning of the first ordinance for the execution of the law for the restoration of the professional civil service of April 11, 1933.

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Addition to section 7, law of April 7, 1933.

4. When national governors (*Reichsstatthalter*) are appointed, they may, upon proposal of the state government, bring about discharges, transfers to other offices, and retirements.

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7. Teachers at universities are not to be made emeritii but are to be pensioned according to this law.

8. If on account of this law official professors and assistant professors and *Privatdozenten* of universities are discharged or retired they lose the right to teach. In the case of honorary professors, of unofficial (assistant) professors and *Privatdozenten* at universities, discharge or retirement results in the loss of the right to teach.

LAW CHANGING THE REGULATIONS IN REGARD TO PUBLIC OFFICERS (June 30, 1933)

CHAPTER 2

1a. (1) Only such persons may be appointed national officials who possess for their career the prescribed education or customary training or who have special qualifications for the office about to be given, and who guarantee that they will support the national state at all times without reservation.

(2) Women may only be appointed national officials for life when they have completed the 35th year.

(3) Anyone of non-Aryan descent, or married to a person of non-Aryan descent, may not be appointed a national official. National officials of Aryan descent who marry a person of non-Aryan descent are to be discharged. The question of who is of non-Aryan descent is to be decided by regulations decreed by the minister of the interior.

(4) If urgent requirements of the national administration so necessitate, the highest national officials may make exceptions in individual cases—exceptions from the provisions of paragraph 2 with the approval of the minister of finance, exceptions from the provisions of paragraph 3 with the approval of the minister of the interior.

* * * * *

6. (1) The (above) regulations are also to be applied to the civil service regulations of the states, local communities, and of

the other bodies, institutions, and foundations of public law. . . .

(2) The German State Railways, the Reichsbank, the public-legal religious societies, and the confederations are empowered to decree similar regulations.

CHAPTER 3

7. (2) When the economic status of a female official appears to be permanently secured because of a family income, the officials . . . may decree a dismissal. The conditions for dismissal are always present when the husband is a permanent official not subject to dismissal.

CHAPTER 8

40. (1) The states and the bodies of public law not supervised by the states are empowered and compelled to lower the incomes of their officials insofar as they are higher than the incomes of national officials of equal rank. The national ministers and the national chancellor are to be considered as national officials within the scope of this chapter. Sentence 1 is not applicable to university teachers; for them the special rules of section 44 apply. Similarly, the national government or the state governments may make different rules in other cases in which the scholarly or artistic significance of an office requires a special evaluation.

(2) The local communities, and the other bodies of public law which are under the supervision of the state officials, are empowered and obligated to reduce the salaries of their officials, insofar as they are higher than the salaries of state officials of corresponding rank.

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44. (1) The state governments are empowered to alter or annul the assurances given to university professors before this chapter became effective. They are not bound hereby to agreements, compromises, legal judgments or arbitration decisions.

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CHAPTER 13

77. (1) Insofar as the execution of the provisions of this law requires it, deviations from the national constitution and from the state constitutions are permissible.

SUPPLEMENTARY LAW TO THE LAW FOR THE RESTORATION OF
THE CIVIL SERVICE
(July 20, 1933)

2a. (1) Officials who have belonged to the Communist party or to communistic auxiliary or collateral organizations or otherwise have been active in furthering the aims of communism, are to be discharged. Discharge is not necessary for (a) officials, who before January 30, 1933, joined a party or an organization which has placed itself behind the government of the national revolution, and (b) officials who have distinguished themselves exceptionally in the national movement.

(2) Officials who in the future are active for Marxism (communism or social-democracy) are to be discharged.

INTERPRETATIONS OF THE LAW OF PUBLIC OFFICERS OF
JUNE 30, 1933
(August 8, 1933)

* * * * *

(2) Likewise illegitimate descent is considered descent in the meaning of section 1a, paragraph 3 of the law of public officers. Through adoption of a child, a parent-and-child relationship in the meaning of this ordinance is not created.

2. (1) One who is to be appointed a national official has to prove that he and his wife are of Aryan descent. Every national official, who wishes to marry, has to prove that the person whom he desires to marry is of Aryan descent.

(2) The proof is to be made by the submission of documents (birth certificate, marriage certificate of the parents).

(3) If Aryan descent is doubtful, an opinion is to be obtained from the expert for racial investigation accredited to the minister of the interior.

3. The regulations apply correspondingly to the law of public officers of the states, local communities, and the other bodies, institutions, and foundations of public law.

IX

THE GERMAN MUNICIPAL CODE

[This important fundamental act dealing with municipal government is one of the landmarks of National Socialist activity in the governmental field. For many years a complete reorganization and standardization of German municipal government has been studied. Now a complete new code, adapted to present conditions and carrying out the Nazi ideology has been established.]

The German Municipal Code is intended to call forth the highest possible service of the communes in close coöperation with the party and the Government, enabling them, in the true spirit of the creator of municipal self-administration, Baron vom Stein, to contribute toward the fulfillment of the national ideal: to have a united people permeated with a national spirit, where common interests are placed above private interests, and to create a real people's community guided by the best men of the people, giving even the lowliest fellow-citizen interested a feeling of solidarity. The German Municipal Code is a basic law of the National Socialist State. The reconstruction of the Reich will be completed on its foundations.

The national cabinet has therefore promulgated the following law which we hereby submit.

PART I

FUNDAMENTALS OF THE MUNICIPAL CODE

1. (1) The municipalities unite all of the living strength of the area in close relationship in order to fulfill the public interests.

(2) The municipalities are public corporations. They administer themselves under their own responsibility. Their actions must be in harmony with the laws and the aims of the government.

2. (1) The municipalities are called upon to take care of the welfare of their inhabitants and to preserve the historical and local peculiarities of the country.

(2) The municipalities must administer under their own responsibility all public interests within their territorial district, unless the questions concern matters which are expressly assigned to other authorities or taken over by them.

(3) The municipalities may carry out, by law, governmental problems if submitted to them. They furnish the employees, the facilities, and the funds required for the accomplishment of these purposes, unless the laws state otherwise.

(4) New duties can be placed upon the municipalities only by law. The rights of the municipalities may be changed only by law. Regulations of such matters need the approval of the Minister of the Interior.

3. (1) The municipalities are empowered to settle their own affairs through charters, in so far as their provisions do not conflict with the laws or their issuance of the charter is not prohibited.

(2) Every municipality has to submit a charter which meets the approval of the supervisory authorities. The charter must provide what is withheld in the charter according to the provisions of this law.

(3) Charters must be made public in a public place. They go in force unless otherwise stipulated the day after they are made public. With the approval of the supervisory authorities, a charter may have retroactive force.

4. (1) The area of every municipality must be so laid out that the local unity of the population is preserved and the ability of the municipality to fulfill its obligations is assured.

5. (1) One is an inhabitant of the municipality if he lives in the municipality. A citizen is one who has citizenship in the municipality.

(2) The citizen is obliged to give free service at any time for

the welfare of the municipality. He who has been ordered to render free service must show himself worthy of this trust by unselfish and conscientious acts, and must be a good example for the public.

6. The head of the municipality is the mayor. He is represented by the chief executive officers. The mayor and the chief executive officers are appointed through the trust of the party and the state. In order to insure harmony between the administration of the municipality and the party, the agent of the National Socialist party participates in certain matters. Constant cooperation between the administration and the citizens is guaranteed by the councilmen. The members of the council, as deserving and experienced men, advise the mayor.

7. The municipalities must conscientiously take care of their finances and resources. Their duty must be to keep the municipal finances in good order considering the financial status of the citizens.

8. (1) Supervision of the municipality is exercised by the State.

(2) This supervision protects the municipality in its rights and insures the fulfilment of its duties.

PART II

CLASSIFICATION AND SOVEREIGNTY OF THE MUNICIPALITY

9. (1) Cities are those municipalities which carry this title according to old rights. The municipality can also have different designations which are related to the historical past, the peculiarity or the importance of the municipality.

(2) The National Governor after hearing the municipality may grant or alter designations.

10. The municipalities keep their old names. The National Governor announces after he has heard the municipality, the change of municipal designation and decides the designation of new municipalities. The same is true for special designation of parts of municipalities.

11. (1) The municipalities have their own seals.

(2) The municipalities have their former coats of arms and flags. The National Governor can give the right to the municipality to have a coat of arms and flags. He can change the coats of arms and flags, but he must first hear the municipalities.

PART III

THE MUNICIPAL AREA

12. (1) The territory of the municipality consists of those properties which belong to the municipality according to established rights. Disputes over boundaries are settled by the supervisory authorities.

(2) Every piece of property shall belong to one municipality. For special reasons pieces of property may remain outside of a municipality (called municipal free property).

13. The municipal boundaries are subject to change when the public welfare requires. The same is true when municipalities are done away with or when new ones are created; or when municipalities or parts of municipalities come under the category of free municipal property.

14. (1) When the municipalities plan to discuss changes in boundaries, they must present the case to the supervisory authorities in sufficient time.

(2) The supervisory authorities can at any moment take over the lead in the negotiations.

(3) Unions of municipalities (common working agreements) are only valid when they are certified at the time of the change of territory.

15. (1) The National Governor decides on the change in territory after he has heard the municipality. At the same time he designates the day of validity and regulates the succession rights, the local rights, and the new administration in so far as necessary.

(2) The supervisory authorities regulate the separation. They decree the rights and duties of the participants and work

out the transition, and the limitation and elimination of material rights. The supervisory authorities request from the officials in charge corrections of the property record, water record, and other public records. They have the power to give exemptions of liability.

16. Legal actions, arising out of territorial changes, which are necessary are free from public seals and fees. The same applies to corrections, entries, and cancellations according to paragraph 15, subsection 2.

PART IV

INHABITANTS AND CITIZENS

17. (1) The inhabitants have the rights according to the regulations to use the public facilities of the municipality and are obliged to carry on the municipal duties.

(2) Owners of land and people who have business but who do not live in the municipality have the privilege of using the public facilities which exist in the municipality for land owners and business men, and are obliged to pay the taxes for their property or business in the municipal limits.

(3) These regulations apply also to legal persons and to clubs.

18. (1) The municipality may, when absolutely necessary, with the approval of the supervisory authorities, order, for the properties within their limits, connection to water systems, sewer systems, collection of garbage, cleaning of streets and similar services necessary for the public health (enforced connection), and also order the use of these public services and the slaughter houses (enforced usage).

(2) The charter may permit exception of enforced connection and enforced use. It can also limit the enforcement to certain parts of a municipality and to certain groups of properties or persons.

(3) The charter may also provide for penalties, with costs up to 1,000 marks, to be levied upon anyone who refuses to obey. The charter may also provide for the assumption of

these obligations by the city. The penalties and the costs will be determined in the usual administrative manner.

19. (1) Citizens of the municipality are those German citizens who are 25 years old and who have lived in the municipality for at least one year and possess all civil rights.

(2) The mayor and the chief executive officers become citizens without the application of the law governing the length of stay in the municipality.

(3) The municipality with the approval of the supervisory authorities may give (lend) anyone citizenship rights without consideration for the stipulated time of residence.

(4) The citizenship right of soldiers remains the same.

20. (1) The citizenship rights are lost:

1. When one leaves the city.

2. When one loses German citizenship.

(2) Citizenship is forfeited:

1. Because of dishonorable loss of state citizenship or loss of civic rights.

2. By not obeying the provisions of the laws.

(3) The municipality may make public the forfeiture of citizenship together with the causes.

21. (1) The municipality may give honorary citizenship to German citizens who have made themselves especially valuable to the people or government. Any foreigner may become an honorary citizen only on the approval of the supervisory authorities.

(2) The municipality may with the approval of the supervisory authorities take away an honorary citizenship because of misuse.

(3) With the forfeiture of citizenship right, the honorary citizenship right is also forfeited.

22. (1) The mayor appoints the citizens to those honorary positions which are not compensated. He has the power to remove them at any time. For the position of mayor, chief executive officers, and municipal councillors, the special regulations of this law apply.

(2) With the forfeiture of citizenship, honorary positions are cancelled.

23. (1) The citizen may, when he has important reasons for doing so, resign from the public service. Important reasons are the following:

1. Entrance into the clergy.
2. Holding of a public position and the consequent decision by the council that his public services are in conflict with his duties.
3. Six years service in a public position.
4. At least 4 minor children.
5. Guardianship of at least two children.
6. Long absence from the municipality.
7. Long period of illness.
8. Over sixty years of age.

(2) Whether or not the reason for releasing him is important is a matter for the municipality. It may fine a citizen 1,000 marks when he quits his job without an important reason; also the municipality has the power to deprive a citizen of his citizenship for six years. The punishment will be carried out under the usual administrative procedure.

24. (1) The citizen who is appointed to unpaid public service is bound to secrecy the same as a municipal official. He is not to take advantage of the confidential affairs. This also applies when he is no longer in office.

(2) When the citizen does not act according to these rules, the municipality may enforce against him paragraph 27, subsection 2.

25. (1) The citizen in public service may not participate in an advisory or decisive capacity if the decision can be of immediate advantage or disadvantage to his wife, his relatives up to the third degree, his in-laws up to the second degree or to a person whom he represents according to law or by power of attorney.

1. This also applies if the citizen in other than public affairs has given an opinion or has been otherwise involved;
2. If he is employed with compensation by someone who has special, personal, or economic interests in the matter.

These rules are not applicable if the citizen is involved in the matter merely as a member of a profession or population group whose common interests are affected by the matter.

(2) The mayor is to decide whether the rules in paragraph 1 are applicable. And in case he himself is involved his general representative will be responsible.

(3) Those persons who do not take part in the deliberation are obliged to leave the deliberating room.

26. Mayors in the uncompensated class, chief executive officers and the municipal councillors have a special honorary duty toward the municipality. They are not allowed to represent others against the municipality unless they act as public representatives of the law. The same thing applies to citizens in public service, when the matter they are dealing with is connected with the duties of their service. Whether these rules are applicable is a matter for the mayor to decide, and in case the mayor himself is involved, the supervisory officials.

27. (1) According to the charter the municipality may grant reasonable allowance for expenses to mayors, chief executive officers, and treasurers in the non-compensated service.

(2) Others in this service are only entitled to expenses and earnings for the work they have missed, which amounts to about the same as a witness fee. Average fees can be fixed by the charter.

(3) The right to receive these fees is not to be transferred to anyone else.

28. (1) The charter may provide that officials who have been in the service for at least twenty years with a good record are entitled to an honorary title.

(2) The municipality may with the approval of the supervisory authorities take away this honorary title because of dishonorable behavior.

(3) When one forfeits his citizenship, he also forfeits his honorary title.

29. (1) A protest may be raised against the decrees of the municipality which concern:

1. The right to use the public facilities.
2. The settlement of compulsory levies.

3. Obtaining cancellation or losing of citizenship.
4. The settlement of fines.

(2) The protests are to be filed with the mayor within two weeks. The protest must be filed at the proper time with the officials who have made the decree.

(3) The protest has postponing effect unless the decree states otherwise.

30. (1) The mayor decides the protest; in case of dispute court action may be instituted in the administrative tribunal.

(2) The suit may only be based on the fact that the decree is in violation of the law and limits the plaintiff.

(3) In making a decision these regulations must be pointed out.

31. (1) In the case of the withdrawal of honorary status, protest must take place within two weeks after the announcement.

(2) The supervisory authorities will have the final decision.

(3) Section 29, subsection 3, applies in the same manner.

PART V

ADMINISTRATION OF THE MUNICIPALITY

SECTION I

THE MAYOR AND THE CHIEF EXECUTIVE OFFICERS

32. (1) The mayor has full and sole responsibility of administration except as section 33 provides otherwise.

(2) The mayor is called the chief mayor (*Oberbürgermeister*) in cities.

33. (1) To be sure that harmony between the municipal administration and the party shall exist the agent of the National Socialist party participates except in the appointment and recall of the mayor, the chief executive officers, and the councilors (paragraphs 41, 45, 51, 54) in the following decisions of the mayor:

1. The Submission of the fundamental charter needs his approval.

2. The honorary citizenship and also the honorary titles are only given and withdrawn with his approval.

(2) When the agent of the NSDAP refuses approval, his reasons must be written within two weeks after announcement of the decision, stating the provisions of the charter which he disapproves; otherwise his approval is believed to be granted. When it is impossible to secure unity in a new negotiation between the agent of the National Socialist party and the mayor, the mayor in the city must bring it to the attention of the national governor and in all other cases he must bring it to the attention of the supervisory authorities. In the charter the national governor needs the approval of the Minister of the Interior when making his decisions, but only in case he desires to act in a different manner than that desired by the supervisory authorities.

34. (1) The mayor is assisted by the chief executive officers (*Beigeordnete*). Their number is determined in the charter.

(2) The first committeeman is called mayor in cities. The officer who has charge of money matters is called city treasurer. The other executive officers in the city carry the name of executive officer (*Stadttrat*) (legal officer, school officer, engineering officer, and so on).

35. (1) The general representative of the mayor is his first executive officer. The other officers only represent the mayor when the first officer is absent. Their service rank is based upon seniority in the municipality. The mayor may in writing change the seniority rank.

(2) The rest of the executive officers represent the mayor only in their special fields. The mayor may make every matter his concern.

(3) The mayor may also designate other officials and employees to represent him in special matters, just as he may give the power to representatives to give such orders in their special fields.

36. (1) The mayor represents the community.

(2) Obligations which the municipality incurs must be put in writing. These written forms are to be signed by the mayor.

In case of the mayor's absence, this written declaration must be signed by two officials or employees who have the right to represent him.

37. The mayor is superior to all officials, employees, and workmen of the municipality. He appoints them and removes them. In the appointment the classification plan must be observed. The rights of the state which arise from other laws stay unaffected by the appointment and removal of officials.

38. Sections 25 and 26 are applicable to professional mayors and chief executive officers.

39. (1) In the municipalities which have less than 10,000 inhabitants, the mayor and the chief executive officers hold honorary positions. The charter may provide that the position of mayor or an executive officer be filled professionally.

(2) In the municipalities of more than 10,000, the position of mayor or executive officer must be filled professionally. The charter provides which positions shall be filled professionally.

40. In cities (*Stadtkreisen*), the mayor or the first executive officer is appointed professionally and must have the qualifications of a judge or administrator. The supervisory authorities can make exceptions to this rule. The charter can also provide that other positions, especially that of city treasurer, must have special qualifications.

41. (1) The positions of the mayor and executive officer must be made public before they are filled by the municipality. The agent of the National Socialist party is to be informed of this. This agent, after he has asked the advice of the municipal council in secret, nominates three candidates. In the case of an executive officer, he must submit the names to the mayor for his opinion.

(2) The Representative of the National Socialist party transmits his suggestions with all the applications.

1. In the position of mayors, chief executive officer and city treasurer in cities of more than 100,000 inhabitants through the supervisory authorities to the Minister of the Interior.

2. In the position of other executive officers in cities of more than 100,000, in the position of mayor

and executive officers in the remaining cities (*Stadtkreisen*), through the supervisory authorities to the National Governor.

3. In the position of mayor and executive officers in cities belonging to a county, through the supervisory authorities to the higher supervisory authorities, and in the remaining municipalities to the supervisory authorities.

(3) In case the higher officials approve of the candidates nominated, then the municipality selects these candidates. If not, new proposals must be made. In case the supervisory authorities do not agree with these new selections, then the supervisory authorities select the person who must be accepted by the municipality. The same applies when a definite proposal is not made in the time specified.

(4) It is not necessary that a vacancy in the position of unpaid mayor or executive officer be made public. Also, for fully paid positions the supervisory authorities may decide it is unwise to make it public. In all other cases, the regulations of subsections 1 to 3 apply.

(5) The suggestions have to be kept confidential until the proper authorities, according to section 2, have given their approval.

42. (1) Mayors and chief executive officers cannot be:

1. Salaried officers of the state, of a municipality or other corporation of public law.
2. Cannot be an employee or worker of the municipality.
3. Appointee or worker of companies and clubs in which the city participates.
4. Appointee of public charitable organizations.
5. Clergyman.

(2) This regulation is not applicable if the officials mentioned above, 1-4, when appointed as full-time mayors or executive officers are given leave or are allowed to lay down their former job (45); also, the supervisory authorities have power to permit these officials, employees and workers to accept the position of unpaid executive officer.

43. (1) The mayor and the chief executive officers are not permitted to be related to each other up to the third degree and also are forbidden to be in-laws to the second degree. In municipalities of less than 1,000 inhabitants the supervisory authorities may make exceptions.

(2) In case they become related to each other during their term of office, one of them must give up his position. If one of them is mayor, the chief executive officer must give up his office. If one of them is a professional officer and the other an honorary officer, the latter must give up his position. In case the persons in question cannot decide, the younger one must give up his position.

44. (1) The mayor and his chief executive officers are chosen for twelve years. They are obliged to serve twelve more years, unless for unavoidable reasons they are unable to serve again. In case they cannot meet these requirements they are excused from further service upon the expiration of their term.

(2) The charter may stipulate that mayors and executive officers may be called into service after having given up their offices.

(3) Unpaid mayors and executive officers are called back into service for a term of six years. They remain in office until their successors have qualified. They may again be called into service.

45. (1) According to section 41 (2) the competent officials may cancel the appointment of a mayor and executive officers at the end of their first term. This may be done under section 41, paragraph 2, number 1, in agreement with the National Governor and under section 41, paragraph 2, number 1, in agreement with the agent of the National Socialist party; in case of disagreement, the National Governor decides.

(2) The competent officials may, before the expiration of the first term, call these officials into service again.

(3) The Minister of Interior may by decree provide the rules for calling back into service the mayor and executive officers. He may thereby order that mayors and executive officers who before their recall were in the service of the state, of a municipality, or of a union of cities stand in the same position

as before, in so far as there are no grounds which interfere with the appointment of such persons.

46. The mayors are sworn in by the supervisory officials before taking office; the executive officers are sworn in by the mayor.

47. The charter may stipulate that the mayor, the executive officers, and the municipal councillors wear official attire or an insignia of office on ceremonial occasions.

SECTION 2

MUNICIPAL COUNCILLORS (*Gemeinderäte*)

48. (1) It is the duty of municipal councillors to keep the administration in close touch with all the citizenry. They advise the mayor on their own responsibility and explain his actions to the population. They have among their duties to oversee and take care of the welfare of the municipality.

(2) In cities, the municipal councillors have the title of *Ratsherr*.

49. The charter stipulates the number of municipal councillors. The greatest number of members in municipalities with less than 10,000 inhabitants is 12, in remaining cities belonging to counties (*Kreisangehörige Städte*) 24, and in the cities (*Stadtkreise*) 36.

50. The agent of the National Socialist party is not a municipal councillor. He may take part in the meeting of the mayor with councillors if it concerns a matter which the law has given him a right of coöperation (sec. 33, par. 1); he is to be invited to these meetings.

51. (1) The agent of the National Socialist party, in agreement with the mayor, selects the municipal councillors. In making the selection, he must take into consideration: national trustworthiness, reputation, and he must consider personalities which are suitable to the environment of the municipality.

(2) Officials, employees, and workers of the municipality and officials of the supervisory authorities cannot be selected as mem-

bers of the council. The supervisory authorities can, however, make exceptions.

52. (1) The councillors of the municipality are chosen for a term of six years. Members of the municipal council whose terms have expired may be reappointed.

(2) In case of a vacancy in the office of councillor before expiration of a term, a substitute is appointed for the remainder of the term.

53. The municipal councillors hold honorary positions. The mayor holds them responsible for the definite fulfillment of their duties and swears them into office.

54. Members of municipal council to whom section 51 does not or did not apply withdraw. The decision is up to the supervisory officials upon conferring with the agent of the National Socialist party. If no agreement is reached, the National Governor decides.

55. (1) The mayor is obliged to discuss important matters of the municipality with council members. He must give them opportunity to express themselves before:

1. Changing of the municipal boundaries.
2. Granting and taking away of honorary citizenship rights and honorary designations.
3. Cancellation of citizenship.
4. Decrees, changes and cancellation of charters.
5. Levying of taxes and tariffs.
6. The taking over of new duties for which there is no legal obligation, especially before the setting up and expansion of public institutions, commercial and agricultural enterprises; also for taking part in such enterprises.
7. Changing the rights of private businesses or businesses in which the municipality has a decisive interest.
8. Disposal of municipal finances, especially in the acquisition, sale, and taxing of pieces of land; also in connection with gifts and loans in so far as these matters according to their nature cannot be taken care of by the current administration.

9. Changing the finances of member municipalities into finances of free municipalities, changes of the utilization of municipal property.
10. The renunciations of claims of the municipality itself, and the bringing to a close of transactions in so far as they are not concerned with the business of the management which are of little pecuniary importance.
11. The taking up of loans, the taking over of securities and resulting obligations from contracts and the ordering of other securities.
12. Extraordinary and unfunded expenditures as well as regulations through which the municipality would find itself bound, which, because of their slight importance, have not been provided for in the regular budget.
13. The carrying out of a lawsuit of great importance.

(2) If the matter does not admit of any delay, the mayor may then proceed without the council; then he must inform the councillors at their next meeting concerning the manner of settlement.

56. (1) The mayor summons the councillors to the meetings within a reasonable time and informs them of the subjects for deliberation.

(2) The mayor stipulates every time whether the conferences are to be public or private. The agenda of a public meeting is to be publicly announced as to place and time.

(3) The executive officers take part in the meetings with the councilmen. The mayor may invite to the deliberations officials and employees of the municipality, as well as specialists.

(4) The members of the council must take part in the meeting unless they are excused by the mayor.

57. (1) The mayor opens, conducts, and closes the meetings with the councilmen. He takes care that only such points are touched upon as belong to the sphere of the municipality.

(2) He maintains order in the meetings and exercises local authority. As he may ask, the individual council members must give their opinions concerning certain subjects of the

meeting. They are obliged to speak if their viewpoint is different from that of the mayor. Council members do not vote.

(3) A written record must be prepared containing the actual happenings of the meetings. In this document, there must be recorded the different viewpoints of the councilmen. Besides, every councilman is entitled to give his opinion in this record. The record is signed by the mayor and by two council members designated by him.

SECTION 3

ADVISERS

58. The charter may stipulate that advisers (*Beiräte*) are to be appointed to work with certain municipal branches. In addition to councilmen, citizens who are specialists may also be advisers. The advisers are to be appointed by the Mayor.

59. The meetings with these advisers are not public. The mayor can transfer the chairmanship to one of the executive officers. In other respects the regulations of paragraphs 56 and 57 concerning the deliberations of council members are in force.

PART VI

MUNICIPAL ECONOMY

SECTION I

MUNICIPAL CAPITAL

60. (1) The Municipal finances must be administered with care and with economy. They must bring the best yield with the least expense.

(2) The municipal treasury must be maintained out of ordinary finances.

(3) When municipal property because of age, usage, or depreciations must be repaired or enlarged, the funds are to be obtained from the regular finances.

61. (1) The municipality will only acquire municipal property in so far as it is necessary to meet its needs or in so far as it becomes necessary within a limited time.

(2) The municipality is allowed to acquire municipal property for payment only by use of the regular funds or from revenue which it has reserved for this purpose, out of the funds of the regular governmental functions.

(3) Loans for the acquisition of municipal property will only be considered when they relate to an extraordinary need which could not have been foreseen or when, for some reason or other, sufficient revenue cannot be raised.

62. (1) The municipality is allowed to sell municipal property if it does not need it within a foreseeable time.

(2) The municipality needs the approval of the supervisory authorities in case it:

1. Sells municipal property of all kinds free of charge.
2. Sells or exchanges real estate or real estate rights.
3. Sells or exchanges things which have a special value, scientifically, historically, or artistically, especially archives.

(3) The Minister of the Interior may by law change the requirement for approval of number 2, clauses 1 and 2, if according to their nature they occur regularly, or when certain valuations are not exceeded.

63. The proceeds from the sale of municipal property are to be put into the treasury to keep up the reserve, or to be used for extraordinary cancellation of debts. In exception to this rule, the proceeds may be used for reducing deficits, for diminishing of the loans of the extraordinary budget.

64. For the management of the municipal woods, the law existing hitherto continues.

65. (1) The regulations and procedures formerly provided for the use of municipal funds, the proceeds of which did not belong to the municipalities but to other entitled ones (capital of municipal members), shall remain in effect.

(2) Municipal funds are not allowed to be transferred to municipal member funds.

66. (1) The municipality manages local donations according to the regulations of this law in so far as the law or the donor does not stipulate otherwise. The donation fund is to be separate from the other municipal funds and is to be so invested that it may be immediately available for its purpose.

(2) In case the fulfillment of the purpose of the fund has become impossible or if the fund endangers the general welfare, the regulation of section 87 of the civil code is to be used. The changing of the purpose of the fund and its dissolution are the concern of the municipality. Such action needs the approval of the supervisory authorities.

SECTION 2

ECONOMIC ACTIVITY OF THE MUNICIPALITY

67. (1) The municipality is allowed to undertake economic enterprises or enlarge them only if:

1. The public purpose justifies the enterprise.
2. The enterprise according to kind and volume is in proper proportion to the municipal capacity of productive labor and to the expected demand.
3. The purpose is not or cannot be better and more economically served through another one.

(2) Economic enterprises in the meaning of this section are not:

1. Enterprises by which the municipality is obligated according to law.
2. Affairs of educational and cultural matters, of physical education, the care of the sick, public health and public welfare. These enterprises and institutions are also to be managed from an economic viewpoint.

(3) The municipality is not allowed to engage in banking enterprises.

(4) Public savings banks are bound by the special regulations which previously existed.

68. If the municipality wants to set up or enlarge business enterprises, it must inform the supervisory authorities in sufficient time, at least six weeks before the work is to be started or allotted. This information must show whether the conditions of law are met and whether the covering of the cost of the work is actually and legally insured.

69. (1) The municipality is allowed to take part in a business enterprise only if the conditions of section 67 are agreed to, and if, for this participation, a form has been secured which binds the municipality to a certain security. Correspondingly for section 68.

(2) The participation of the municipality with a union in which public bodies are exclusively participating is not affected by this.

70. (1) The mayor represents the municipality in the company meeting or in the organs, similar to this one in which the municipality takes part. If the mayor appoints civil servants or assistants in his place as representatives, they are bound by his orders.

(2) Paragraph 1 is applicable in case the municipality has the right to appoint members of the board of directors, the executive committee or a similar organ of the enterprise.

(3) In case civil servants or employees of the municipality are made responsible, out of this the municipality must compensate them whether the municipality has brought them into it intentionally or through negligence. Also in this case is the municipality bound to compensate if the servant or the appointee has acted according to instructions.

71. (1) Representatives of the municipality in the executive committee, board of directors, or a similar organ of a company, in which the municipality or a union of municipalities have a share of at least 75%, are allowed to issue bonds and credits, but only with the approval of the supervisory authorities.

(2) If more municipalities which are under different supervisory authorities are taking part, then second highest supervisory authority on recommendation of the executive committee, must appoint a supervisory authority for all those participating.

(3) These regulations are also to be in force if an undertak-

ing in which the municipalities or union of municipalities have an interest of at least 75% if they intend to participate in another undertaking.

72. (1) Business enterprises shall yield a profit for the general upkeep of the municipality.

(2) The income of every business shall at least cover all expenditures and make it possible to have a reserve. The taxes, the interest, and payment of the debts of the enterprise shall be considered expenditures. Also the usual interest of the municipality as well as the regular payments made by the various branches of government of the municipality for the business.

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74. (1) For businesses (personal business), commercial laws are to be used.

(2) Advisers are to be appointed for every business. For several businesses, it is permissible to appoint common advisers. Expert citizens shall be favored in such appointments.

(3) The management of individual property, administration of property, and the business transactions of each undertaking are to be managed in such a way that they make possible special considerations of the management and of the result.

75. To be able to change a private business into a proper independent enterprise, the municipality requires the approval of the supervisory authorities.

SECTION 3

DEBTS

76. (1) The municipality is allowed to take up bonds only within the limits of the extraordinary budget. The total sum of the bonds which are used to pay the expenditures of the extraordinary budget must have the approval of the supervisory authorities. The approval is granted only in case of the approval to take up the various loans. It is to be returned as soon as may be recognized, that the requirements apparently cannot be fulfilled.

(2) Approvals of loans in the extraordinary budget lose their powers in spite of the prerequisite of section 87 by the end of the fiscal year.

77. (1) The municipality is allowed to apply for loans only for extraordinary and absolutely necessary expenditure, only so far as it is not possible to cover its expenses in any other way. If, in all probability, the amount of money for the interest and principal cannot be covered by an increase of cash or savings in expenditure, which results from the use of the means of the mentioned loan, then the municipality must prove that the interest and payment of obligations are in accord with their constant working capacity. The proof is usually considered correct, if the municipality before the closing of a loan has already accumulated a considerable amount to cover the loan out of the income under the regular budget.

78. (1) The municipality needs the approval of the supervisory authorities for the taking up of the loan, the entire amount of which according to section 67 has been approved, the taking over of the corporations and the duties out of approved securities and for the ordering of other securities.

(2) The approval is also subject to laws which from the business point of view are equal to the legal matters mentioned in (1).

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81. (1) The municipality may take up credits for the payment of the expenditures of the normal budget, only up to the amount which has been provided in the budget and approved by the supervisory authorities. The approval may only be extended in exceptional cases for a greater amount than one-sixth of the normal income. Credits which in time of a new approval are not paid back are to be figured in when the new approval is extended. The approval, for the taking up of further credits, is nullified regardless of section 87 by the end of the fiscal year.

(2) The taking up of credits is only to be approved when the amount cannot be covered by the income of the budget to the accumulation of which each municipality is obligated.

(3) Credits are to be paid back from normal incomes of the

normal budget, or otherwise to be paid back within 9 months. They may not be used for expenditures of the extraordinary budget.

SECTION 4

ORDINARY BUDGET

82. (1) The fiscal year of the municipality is identical with that of the State. It is named after the calendar year in which it begins.

83. For each fiscal year the municipality must present a budget. It contains:

1. The budgetary expenditures.
2. The taxes for the municipality which are to be determined anew for each fiscal year.
3. The largest amount of credits.
4. The total amount of loans which are determined for the payment of expenditures of the extraordinary budget.

84. The budget program is to be drawn by the mayor in sufficient time to be given to the Councillors of the municipality, so that it may be discussed and presented to the supervisory authorities not later than one month before the beginning of the fiscal year.

85. (1) The budget must contain all anticipated expenditures and receipts of the fiscal year. The expenditures are to be balanced with the income including deficient expenditure of previous years.

(2) The municipality may raise taxes, according to law, if its other receipts are not sufficient to cover the expenditures.

86. (1) The rules applicable to the budget necessitate the approval of the supervisory authorities for:

1. The amount of the taxes according to the existing laws.
2. The largest amounts of the credits.
3. The amount of the loans in the extraordinary budget.

(2) The law is to be made public after the approval has been given.

(3) At the same time that publication is made, the budget is to be exhibited publicly for a whole week.

87. If the budget law has not been publicized at the start of the fiscal year, the mayor may then:

1. Only pay those expenditures which are necessary even with the most economical management, in order:
 - a. To keep the existing municipal organizations functioning in an orderly way so as to satisfy the lawful needs and duties of the municipality.
 - b. Buildings' installments and other acts are to be continued for which moneys have already been allocated from former budgets, and which may still be called on according to such budgets.
2. To raise the already standing receipts and the receipts which necessarily come from the taxes of a fiscal year as long as no other provision exists; payments which the loaner has made hereafter are to be included in the new amount of the new fiscal year to be raised according to the budget law.
3. He may raise, with approval previously granted, credits not already utilized.
4. He may recall loans made under the previous budget.

88. (1) During the fiscal year, the budget law may be changed only by an amendment.

(2) The mayor is bound by duty to make an amendment if, in the course of the fiscal year it is shown that:

1. The balancing of the receipts and expenditures in the budget even in case of the usage of every possible means of saving can only be reached by a change in the budget laws.
2. Extraordinary expenditures must be made to a considerable extent. Paragraph 91 clause 2 remains unchanged.

89. The law of the budget creates the fundamental basis for the administration of all receipts and expenditures. The mayor must conduct the administration according to the budget laws. He may make use of the funds only in so far as it is necessitated by an economical administration.

90. The businesses, the costs of which are to be paid from the funds of the extraordinary budget wholly or partly, may only then be attached when the planned incomes for this purpose have been received or when the income in time has been actually and lawfully secured.

91. (1) Extraordinary expenditures may only be made with the approval of the mayor or his assistant; the approval may only be given in cases of absolute necessity.

(2) Extraordinary expenditures which belong to the extraordinary budget may only be made after change in the law of the budget.

(3) The same rule applies for transactions through which the municipality could profit but for which sufficient means have not been secured in the budget.

92. Employees and officials of the municipality who supervise the laws of this section are responsible to the municipality for the resulting loss.

93. If an official or employee of the municipality without approval of the mayor or his competent executive makes an extraordinary expenditure or if without approval he makes a business transaction through which the municipality could get into difficulties and for which funds in the budget were not secured, then he is bound to pay for the possible loss to the community. However, it may be that he had to act, to prevent an unforeseen danger to the community, and in this case, he takes the step necessitated by the danger and informs the authorities immediately with the intention of securing approval. The same is true when he, without information to the mayor or his executive officer, makes a payment or transaction even if he recognizes or must recognize that through the payment or transaction the budget was violated.

SECTION 5

FINANCE

94. (1) The treasury matters are dealt with by a special treasury official. He has an assistant.

(2) The treasuries of the municipalities shall be united under one head. If a comptroller is appointed, they must be united under his control. The supervisory authorities may provide exceptions.

95. The mayor must prepare an account of the receipts and expenditures of the fiscal year during the first quarter of the new fiscal year.

96. (1) The mayor lays the account before the municipal councillors for deliberation. A record of the meeting is to be kept. Each councilman is given the right to express himself in writing before the meeting adjourns. If he desires the adjournment of a meeting, this may be had for an entire week to give him an opportunity to express himself in writing. The councilman must submit the written expression of his opinion in the meeting of the council of the municipality.

(2) In municipalities in which an accounting office exists, the mayor has to submit the account at once to this office.

97. This office has to check the bill according to regulations and determine:

1. Whether the budget has been followed.
2. Whether the single bills have been found to be correct in every detail.
3. Whether the law in cases of receipts and expenditures has been followed.

98. (1) If the checking up of the bill results in a mistake, the office where the bill has been checked up reports to the mayor. He makes the necessary explanations to the office, and combines his comments with his final report.

99. (1) The mayor presents the bill to the supervisory authorities with the final report of the accounting office, the report concerning the meeting, and the various comments in writing of the council members of the municipality.

(2) After checking over the bill, the supervisory authorities determine the guilt or innocence of the mayor if the checking up showed that there were considerable mistakes made contrary to the rules concerning proper management; then the supervisory authorities demand that the mayor must make the necessary corrections and check it.

(3) The decision concerning guilt or innocence is made known to the mayor as a result of the examination. The mayor has to inform the councilmen of the municipality of the results of the examination.

100. Cities must create a comptroller's office; other municipalities may create one if there is need for it and if the cost stands in proper proportions to the scope of the management.

101. (1) The comptroller's office is controlled directly by the mayor or the assistant determined by him.

(2) The mayor may appoint the chief of the office and dismiss him, only with the approval of the supervisory authorities.

(3) The chief of the office may not be related to the mayor, to the assistant, or to the treasurer, as far back as the third generation.

(4) The chief of the office may neither order nor execute payments for the municipality.

102. The mayor may transfer to this office further tasks, especially:

1. The continuous checking up of the treasury of the municipality and its interests as well as the examination for the treasury and reserve funds.
2. The continuous examination of the management of business enterprises, the examination of the municipal activities, and the examination of books as well as businesses which the municipality has undertaken itself, by way of activity or by way of a loan.
3. The examination of loans, the examination of the management concerning profit and economic standards.

103. (1) The Minister of the Interior with the approval of

the Minister of Finance directs, by order, the entire examination of all finances, including ordinary expenditures and standing funds, as well as the measures of economy and usefulness of the management and the business interests of the municipality.

(2) For this purpose, an institution of public law is created which is under the supervision of the Minister of the Interior. Until its creation, the existing methods of examination continue.

SECTION 6

COMMON REGULATIONS FROM THE 1ST TO THE 5TH SECTION

104. (1) Matters of the civil law which have been changed without the observance of the rules of sections 1-5 and the necessary approval of the supervisory authorities are null and void.

(2) Laws which violate paragraphs 73 and 79 are null and void.

105. (1) The Minister of the Interior, with the approval of the Minister of Finance, may overrule by decree verdicts which need, according to the rules of sections 1-5, the approval of the supervisory authorities, and they may order the use of the rules of the supervisory authorities existing up to this time.

(2) The Minister of the Interior, with the approval of the Minister of Finance, may further control the management of the municipalities by regulation, with especial reference to:

1. The creation or destruction or transference of obligations within the intention of paragraph 78.
2. The formation of Reserve funds.
3. The planning and execution of the budget in accordance with the budget finances of the entire Reich.
4. The approval and evaluation of the property of the municipality.
5. The finances.
6. The laws concerning the examination of business transaction.

PART VII

SUPERVISION

106. The state supervises the municipality in order to be sure that it is managed according to the purposes of the State leadership and is in harmony with the law of the government. The supervision shall be exercised in such a way that the resolutions and the joy of responsibility of the municipal administration are promoted and are not diminished.

107. The Minister of the Interior is the highest supervisory authority. He stipulates by decree which councils are to be chief supervisory authorities and which are to be supervisory authorities.

108. The supervisory authorities may at any moment obtain information about the affairs of the municipality. They may examine and inspect, demand oral and written reports; and may also read through documents and various acts.

109. The supervisory authorities may revoke verdicts and orders of the mayor, if they are in conflict with the existing law or when they are contrary to the purposes of the State leadership; they may demand that regulations which are made because of such verdicts or orders be revoked.

110. If the mayor fails to take measures which are necessary for the fulfilment of the duties of the municipality, then the supervisory authorities order that the mayor issue such an order within a stipulated time. The supervisory authorities must determine the content of the resolution and its detail.

111. The supervisory authorities may bring to an issue the orders mentioned in paragraphs 108-110 at the expense of the municipality; also it may transfer the carrying out of the order to a third party.

112. If, and as long as the ordinary run of the municipal administration makes it necessary, the authority of the supervisory authorities in paragraphs 109-111 is not sufficient, then the supervisory authorities may appoint a commissioner who takes care of all single expenditures of the municipality at the expense of the municipality.

113. (1) The municipality may object to the regulations of the supervisory authorities within two weeks. The next higher supervisory authority is judge of these complaints.

(2) The complaint has a continuing effect; it may be that the resolution cannot be drawn up without loss for the general welfare. This is to be determined in the resolution.

114. Authorities and officers, other than the supervisory authorities mentioned in paragraph 107, do not have the right to interfere in the management of the municipality according to paragraph 108.

115. (1) Claims of the municipality against the mayor are validated by the supervisory authorities. The costs of the hearing are borne by the municipality.

(2) Agreements between the mayor and the municipality need the approval of the supervisory authorities.

116. (1) In order to introduce the carrying out of forced execution against the municipality, because of a demanded amount of money, the debtor requires the permission of the supervisory authorities.

PART VIII

CONCLUDING PROVISIONS

117. (1) The Minister of the Interior may extend the power to issue regulations which ought to be issued by the governor, according to paragraphs 9-11 and 15, to other officials.

(2) If the governor is at the same time not the acting local leader of the National Socialist party, then in case of paragraph 45 (1) besides the governor one has to listen to the party leader of the district. Under the same circumstances the governor has to act in the cases of paragraph 45 (1) and paragraph 54, last section, in agreement with the party leader of the district. If no agreement can be reached, the Minister of the Interior decides.

(3) The duties of the national governor are taken over by the Chief President in Prussia; in the Hohenzöllern provinces by

the district president. Sections 1 and 2 of this paragraph have the same application.

118. The deputy leader of the party determines who the representative of the National Socialist party is in the terms of this law.

119. The Minister of the Interior may by regulation:

1. Order in single communities that the already existing law be kept intact for a limited period of time.
2. Issue provisions for properties which do not belong to municipalities.
3. Determine other proper titles in place of the official designation of mayor, executive officer, and councillor for the municipalities which are not cities.
4. Determine the length of time that the existing honorary organs of the municipality in whose place the councils of the municipality are created may continue.
5. Determine the regulations of the Reich and of the states which by means of this law lose their power.
6. Adjust the regulations to be recognized in the future law of the Reich and the states to the new law and publish it in new shape and order.

120. The Minister of the Interior, in agreement with the appropriate ministers, after conferring with the highest state officials, may regulate by law the fusion of the municipalities belonging to the same county; also in other parts of the Reich to closer relations between the various municipalities; he may also transfer various tasks to the municipalities and order the legal conditions in these groups. He may further prescribe by means of regulation for municipalities belonging to the same county institutions common to all which guarantee an orderly management of the administration.

121. (1) The Minister of the Interior may for the execution

of the law, issue legal and administrative regulations. He may issue transitional regulations which deviate from this law.

(2) Regulations concerning the business management of the municipality (105) are to be issued in accordance with the approval of the Minister of Finance.

122. This law has no application to the capitol city Berlin.

123. This law becomes effective April 1, 1935.

X

LAW PROHIBITING THE FORMATION OF NEW POLITICAL PARTIES

(July 14, 1933)

[The two following laws rule out all parties except the Nazi party and establish the official connection—the complete identification—of party and state.]

1. The National Socialist German Workers' party is the only political party in Germany.

2. Whoever undertakes to maintain the organization of another political party, or to form a new political party, is to be punished with imprisonment in a penitentiary up to 3 years or with confinement in a jail from 6 months to 3 years unless the act is punishable by a higher penalty under other provisions.

XI

LAW FOR SAFEGUARDING THE UNITY OF PARTY AND STATE

(December 1, 1933)

1. (1) After the victory of the National Socialist revolution the National Socialist German Workers' party has become the bearer of the German government and is inseparably connected with the state.

(2) It is a corporation of public law. Its constitution is determined by the leader (*der Führer*).

2. To secure the coöperation of the offices of the party with the public officials, the representative of the leader is to be a member of the national cabinet.

3. (1) Members of the National Socialist German Workers' party and of the S. A. (including affiliated organizations) have, as the leading and moving power of the National Socialist state, increased duties toward the leader, the people, and the state.

(2) For violation or neglect of these duties the members are subject to special party and S. A. jurisdiction.

(3) The leader may extend these regulations to the members of other organizations.

4. Violation or neglect of duty may mean any action or neglect which may attack or endanger the stability of the organization, or the activity and authority of the National Socialist German Workers' party, and in case of members of the S. A. (including affiliated organizations) any violation against discipline and order.

5. Besides the customary disciplinary measures, arrest and imprisonment may be inflicted.

6. Public authorities must, within their power, give assistance to party and S. A. officials who are vested with party and S. A. jurisdiction in rendering justice and legal redress.

7. The law governing penal authority over members of the S. A. and the S. S. of April 28, 1933 is declared inoperative.

8. The chancellor, as leader of the National Socialist German Workers' party and as highest chief of the S. A., issues orders and regulations necessary for the execution and extension of this law, especially regulations concerning the formation and procedure of the party's and S. A. jurisdiction. He determines the date on which the regulations concerning this jurisdiction are to become effective.

DECREE FOR SAFEGUARDING THE UNITY OF PARTY AND STATE

(April 9, 1935)

2. The following are units of the National Socialist German Workers' party:

The S. A.

The S. S.

The National Socialist Motor Corps

The Hitler-Youth, including the youth organization (*Jungvolk*), the association of German girls (*Bund Deutscher Mädel*), and the young girls (*Jungmädel*).

The National Socialist German Students' Union

The National Socialist Women's Organization

3. The following are organizations attached to the National Socialist German Workers' party:

The National Socialist German Doctors' Organization

The Organization of National Socialist German Lawyers

The National Socialist Teachers' Organization

The National Socialist Welfare Organization

The National Socialist Wounded War Veterans' Organization

The National Organization of German Officials

The National Socialist Organization of German Technicians

The German Workers' Front (including the National Socialist Organization of "strength through happiness")

4. (1) The organizations belonging to the National Socialist German Workers' party have no legal personality and no private property.

(2) The National Socialist German Workers' party with its various constituent organizations is a corporation of public law with unifying jurisdiction over the property of the entire organization. Therefore, the unifying corporation is the only body which has the right and duty to possess property.

XII

LAW CONCERNING THE SECRET STATE POLICE

(February 12, 1936)

[Dictatorships are wont to have agencies to ferret out opposition to the régime. This secret police organization performs services similar to those performed by other agencies in Russia and Italy.]

The State Ministry has decided upon the following law:

1. (1) The duty of the Secret State Police is to expose and oppose all collective forces which are dangerous to the state, to collect and evaluate the results of these findings, to inform the government and to keep the remaining authorities informed about all evidence. The Chief of the Secret Police in agreement with the Minister of the Interior decides which individual matters are to be given over to the Secret Police.

(2) The jurisdiction of the organs of ordinary law enforcement remain undisturbed.

2. (1) The chief of the Secret State Police is the Minister President.

(2) A subordinate is appointed by him to carry on the affairs of the Secret State Police.

3. (1) The highest state authority for the Secret State Police is the office of the Secret State Police. It has at the same time the prerogatives of the State Police authorities.

(2) The Secret State Police Office has its headquarters in Berlin.

* * * * *

5. The State Police headquarters are at the same time subordinate to the District Presidents, must conform to their instructions and must issue instructions to them in all political police matters. The heads of State Police divisions are at the same time the political advisers in police matters of the District Presidents.

6. The appointment and removal of State Police officials follow the same plan of appointing and removing State officials, through the Chief of the Secret State Police in agreement with the Minister of the Interior.

7. The orders and business of the Secret State Police are not subject to review in the administrative courts.

8. Orders for the execution of this law are issued by the Chief of the Secret State Police in agreement with the Minister of the Interior.

9. The laws concerning the setting up of the Secret State Police office of April 26, 1933, and November 30, 1933, and paragraphs 1 to 3 of the decree of March 8, 1934, for the execution of the law are rescinded.

10. This law becomes effective the day following its announcement.

Berlin, February 10, 1936

The Prussian State Ministry
Göring Frick

In the name of the Reich I proclaim for the Führer and Chancellor the preceding law to which the National Cabinet has given its approval.

Berlin, February 10, 1936

The Prussian Minister President
Göring

XIII

LAW CONCERNING REFERENDA

(July 14, 1933)

[The nature and purpose of elections have undergone great changes since the establishment of the National Socialist dictatorship. The following five selections indicate what elections are used for and how they have recently resulted.]

1. (1) The national cabinet by means of a referendum may question the people as to whether or not they approve of a measure planned by the national cabinet.

(2) There may be a referendum on laws as well as on the measures referred to in paragraph 1.

2. A referendum is decided by a majority of the valid votes cast. This also applies to a vote on a law containing provisions which would amend the constitution.

3. (This section relates to the promulgation of a referred law.)

4. The minister of the interior is authorized to issue decrees and general administrative orders for the execution of this law.

XIV

SUFFRAGE LAW FOR REICHSTAG ELECTIONS

(March 7, 1936)

The Cabinet has enacted the following law which is hereby decreed:

1. The following are qualified to vote for the Reichstag: German nationals who according to the first decree of November 14, 1935, under the Reich Citizenship Law are considered Reich citizens; also German nationals of German or related blood, who are twenty years old on election day, in so far as they are not excluded from voting or temporarily disqualified. . . .

2. Anyone who is disqualified from voting and casts a ballot will be punished by imprisonment and fine or either one of these punishments.

3. The National Minister of the Interior is empowered to issue the necessary regulations for the execution of this law. He may change the requirements of the national election law concerning eligibility and the distribution of seats to the candidates on the election lists and shorten the interval of time provided in the national election law.

FACSIMILE OF THE BALLOT USED IN THE
ELECTION OF AUGUST 2, 1934

I.

**Erlaß des Reichskanzlers zum Vollzug des Gesetzes
über das Staatsoberhaupt des Deutschen Reichs
vom 1. August 1934 (Reichsgesetzbl. I S. 747).**

Vom 2. August 1934.

Herr Reichskanzler!

Die infolge des unzeitigen Unglückes, das unser Volk getroffen hat, notwendig gewordene gesetzliche Regelung der Frage des Staatsoberhauptes veranlaßt mich zu folgender Anordnung:

1. Die Größe des Unlücksgefallenen hat dem Titel Reichspräsident eine einmalige Bedeutung gegeben. Er ist auch unser aller Empfinden in dem, was er uns sagt, untrennlich verbunden mit dem Namen des großen Toten. Ich bitte daher, Vorsorge treffen zu wollen, daß ich in öffentlichen und außeröffentlichen Verkehr wie bisher nur als Führer und Reichskanzler angesprochen werde. Diese Regelung soll für alle Zukunft gelten.

2. Ich will, daß die vom Reichspräsident beschlossene und verfassungsgemäß gültige Vertretung meiner Person und damit des Reichshauptkranzes an sich mit den Funktionen des früheren Reichspräsidenten die wesentliche Funktion des deutschen Volkes erfüllt. Gest durchbringen von der Überzeugung, daß jede Staatsgewalt vom Volke ausgehen und von ihm in freier und geheimer Wahl beauftragt sein muß, bitte ich Sie, den Beschluß des Kabinetts mit den etwa noch notwendigen Ergänzungen unverzüglich dem deutschen Volke zur freien Volksabstimmung vorlegen zu lassen.

Berlin, den 2. August 1934.

Der Reichskanzler

Adolf Hitler

II.

**Beschluß der Reichsregierung zur Herbeiführung
einer Volksabstimmung.**

Vom 2. August 1934.

Geführend dem Wunsche des Führers und Reichskanzlers beschließt die Reichsregierung, am Sonntag, dem 19. August 1934, eine Volksabstimmung über das Reichsgesetz vom 1. August 1934 (Reichsgesetzbl. I S. 747) herbeizuführen.

„Das Amt des Reichspräsidenten wird mit dem des Reichskanzlers vereinigt. Aufgabedessen gehen die bisherigen Befugnisse des Reichspräsidenten auf den Führer und Reichskanzler Adolf Hitler über. Er bestimmt seinen Stellvertreter.“

und beauftragt den Reichsminister des Innern mit der Durchführung dieses Beschlusses.

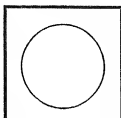
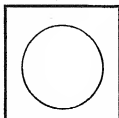
Berlin, den 2. August 1934.

Die Reichsregierung


Stimmst Du, deutscher Mann, und Du, deutsche Frau,
der in diesem Gesetz getroffenen Regelung zu?

Ja

Nein



FACSIMILE OF THE BALLOT USED IN THE ELECTION
OF MARCH 29, 1936

<p>Reichstag für Freiheit und Frieden Wahlkreis Ostpreußen</p>	
<p>Nationalsozialistische Deutsche Arbeiterpartei</p> <p>Adolf Hitler</p> <p>Hess Frick Göring Goebbels Koch</p>	

XVII

RESULTS OF THE REICHSTAG ELECTION OF MARCH 29, 1936

Election District		Number of qualified voters	Total number of votes cast		Against the list; i.e., void	For the list; i.e., for the Führer	
No.	Name		Number	% *		Number	% †
1	2	3	4	5	6	7	8
1	East Prussia.....	1 454 696	1 442 997	99.2	3 699	1 439 328	99.7
2	Berlin West ‡.....	1 545 796	1 512 810	97.9	23 171	1 489 639	98.5
3	Berlin East ‡.....	1 690 058	1 663 743	98.4	29 797	1 633 946	98.2
4	Potsdam ‡.....	1 059 678	1 053 726	99.4	8 909	1 044 817	99.2
5	Frankfurt on the Oder.....	1 115 756	1 108 641	99.4	6 339	1 102 302	99.4
6	Pommernania.....	1 274 083	1 262 051	99.1	9 196	1 252 855	99.3
7	Breslau.....	1 294 399	1 274 308	98.4	23 099	1 251 209	98.2
8	Liegnitz.....	838 157	829 870	99.0	10 797	819 073	98.7
9	Oppeln.....	916 485	901 237	98.3	10 567	890 670	98.8
10	Magdeburg.....	1 184 788	1 177 282	99.4	13 244	1 164 038	98.9
11	Merseburg.....	1 014 077	1 005 356	99.1	13 499	991 857	98.7
12	Thuringia.....	1 602 728	1 595 094	99.5	16 006	1 579 088	99.0
13	Schleswig-Holstein	1 158 005	1 135 569	98.1	23 080	1 112 489	98.0
14	Weser-Ems.....	1 087 511	1 071 366	98.5	15 662	1 055 704	98.5
15	East Hanover....	752 966	739 104	98.2	9 716	729 388	98.7
16	South Hanover-Braunschweig...	1 436 513	1 422 012	99.0	11 419	1 410 593	99.2
17	North Westphalia.	1 724 287	1 706 265	99.0	26 192	1 680 073	98.5
18	South Westphalia.	1 776 580	1 749 722	98.5	20 394	1 729 328	98.8
19	Hessen-Nassau....	1 766 791	1 746 636	98.9	16 867	1 729 769	99.0
20	Cologene Achen...	1 596 151	1 581 867	99.1	15 110	1 566 757	99.0
21	Koblenz-Trier....	854 600	853 461	99.9	5 892	847 569	99.3
22	East Düsseldorf...	1 552 555	1 535 308	98.9	7 758	1 527 550	99.5
23	West Düsseldorf...	1 298 329	1 287 967	99.2	6 532	1 281 435	99.5
24	Upper Bavaria-Swabia.....	1 858 107	1 847 188	99.4	17 274	1 829 914	99.1
25	Lower Bavaria....	871 880	868 263	99.6	7 207	861 056	99.2
26	Franconia.....	1 759 459	1 750 720	99.5	9 599	1 741 121	99.5
27	Rhenish Palatinate-Saar ‡.....	1 176 684	1 175 539	99.9	1 435	1 174 104	99.9
28	Dresden-Bautzen..	1 367 248	1 357 093	99.3	26 020	1 331 073	98.1
29	Leipzig.....	971 089	959 403	98.8	24 719	934 684	97.4
30	Chemnitz-Zwickau	1 354 610	1 336 440	98.7	28 679	1 307 761	97.9
31	Württemberg.....	1 908 157	1 900 556	99.6	16 331	1 884 225	99.1
32	Baden.....	1 630 595	1 604 538	98.4	26 410	1 578 128	98.4
33	Hessen-Darmstadt	982 373	971 104	98.9	15 887	955 217	98.4
34	Hamburg.....	899 897	878 487	97.6	37 177	841 310	95.8
35	Mecklenburg.....	665 557	660 726	99.3	5 680	655 046	99.1
	Total.....	45 440 645	44 966 499	99.0	543 333	44 423 116	98.8

* Percentage of the qualified voters (column 3).—† Percentage of the total votes cast (column 4).—‡ New election district boundaries.

BERLIN, 1 April 1936

The National Election Officer

DR. REICHARDT, Ministerial Director.

XVIII

THE REICH CITIZENSHIP LAW AND DECREE

(September 16, 1935)

[Racialist theory has found its way to the statute books in Germany and this new citizenship law gives legal expression to the anti-semitic philosophy.]

The Reichstag has unanimously enacted the following law which is hereby proclaimed:

1. (1) A citizen is one who belongs to the protective union of the German Reich and who is under special obligations to it.

(2) Citizenship shall be acquired in conformity with the provisions of the national and state citizenship law.

2. (1) Only such persons as are of German or kindred stock and who have proved by their conduct that they are willing and fit loyally to serve the German people and Reich are citizens of the Reich.

(2) The right to Reich citizenship is acquired by the grant of a certificate of Reich citizenship.

(3) Reich citizens shall be the sole possessors of complete political rights according to the provisions of the law.

3. The National Minister of the Interior, in agreement with the Deputy Führer, shall issue the necessary legal and administrative regulations for executing and supplementing this law.

Nuremberg, September 15, 1935, at the Party Convention of Freedom.

DECREE FOR REICH CITIZENSHIP

(November 14, 1935)

On the basis of section 3 of the Reich citizenship law of September 15, 1936, the following is decreed:

1. (1) Until further rules regarding Reich citizenship are made, Reich citizens are those of German or kindred blood who at the time the Reich citizenship law became effective possessed the right to vote at Reichstag elections, or those whom the Minister of the Interior, in agreement with the Deputy Führer, endowed with temporary Reich citizenship.

(2) The Minister of the Interior may in agreement with the Deputy Führer cancel the temporary Reich citizenship rights.

2 (1) The rules of section 1 apply also to nationals of Jewish intermixture.

(2) A person of Jewish intermixture is one who after one or two generations is descended of full Jewish grandparents, in so far as he is not Jewish according to paragraph 5, section 2. Grandparents who are full Jewish are those who have belonged to the Jewish religious faith.

3. Only a Reich citizen as a possessor of complete political rights may exercise the right to vote or hold office. The Minister of the Interior, or those empowered by him, may during the transitional period allow exceptions in the matter of filling public offices. The affairs of religious organizations will not be disturbed.

4. (1) A Jew cannot be a Reich citizen. He is not allowed to vote in political affairs; he cannot hold a public office.

(2) Jewish officials are to be retired at the end of December 31, 1935. If these officials have fought at the front in the World War for the German Reich or its allies, they shall receive, until they reach the age limit, a retirement allowance based on the last figures for pensions; they do not come within the seniority rule. After reaching the age limit, their pension is figured anew according to the last figures for pensioners.

(3) The affairs of religious organizations will not be disturbed.

5. (1) A Jew is one who is descended of at least three generations of Jewish grandparents. Sentence 2 of paragraph 2 of section 2 is applicable.

(2) One is also considered a Jew if he is descended of two grandparents of Jewish mixture who are nationals of the state,

(a) Who upon the promulgation of the law belonged to a Jewish religious organization or is taken in afterward,

(b) Who upon promulgation of the law was married to a Jew or is married to one afterward,

(c) Who is descended out of matrimony from a Jew in the sense of section 1, a descent which was entered after the law for the protection of German blood and honor of September 15, 1935, became effective,

(d) Who was born as a result of illegitimate intercourse with a Jew in the sense of section 1, and who is born illegitimately after July 31, 1936.

XIX

LAW FOR THE PROTECTION OF GERMAN BLOOD AND GERMAN HONOR

(September 15, 1935)

[These enactments give a legal basis to the emphasis on race which has been one of the cardinal tenets of the National Socialist party. They were passed by the Reichstag in a special session held in Nuremberg during the third party Convention held in that city in the fall of 1935.]

Clearly realizing that the purity of the German blood is the prerequisite for perpetuating the German people, and inspired by an inflexible determination to secure the existence of the German nation for all time to come, the Reichstag has unanimously passed the following law which is hereby proclaimed:

2. (1) Marriages between Jews and citizens of German or kindred stock shall be prohibited. Marriages concluded despite the law shall be considered void even when they were concluded abroad in circumvention of this law.

(2) Only the public prosecutor shall bring suit for annulment.

2. Non-marital sexual intercourse between Jews and citizens of German or kindred stock shall be prohibited.

3. Jews shall not employ in their household female citizens of German or kindred stock under 45 years of age.

4. (1) Jews shall not hoist the Reich and national flag nor display the Reich colors.

(2) They are, however, permitted to display the Jewish colors. The exercise of this privilege is placed under Government protection.

5. (1) Persons acting in violation of paragraph 1 shall be sentenced to jail.

(2) Men acting in violation of paragraph 2 shall be sentenced to prison or jail.

(3) Persons acting in violation of the regulations of paragraph 3 or 4 shall be sentenced to imprisonment up to one year and to a monetary fine or to one of these punishments.

6. The National Minister of the Interior, in agreement with the Deputy Führer and with the National Minister of Justice, shall issue the necessary legal and administrative regulations for executing and supplementing this law.

7. This law shall come into force on the day following its promulgation, excepting paragraph 3 which will not come into force until January 1, 1936.

Nuremberg, September 15, 1935, at the Party Convention of Freedom.

DECREE FOR THE PROTECTION OF GERMAN BLOOD AND GERMAN HONOR

(November 14, 1935)

1. (1) Nationals are those members of the German state within the meaning of the Reich citizenship law.

(2) A person of Jewish intermixture is determined by paragraph 2, section 2, of the first decree under the Reich citizenship law of November 14, 1935.

(3) Paragraph 5 of the same decree determines who is a Jew.

2. To marriages prohibited according to paragraph 1 of the law belong also marriages between Jews and Jewish intermixtures who are nationals and who have only one entirely Jewish grandparent.

3. (1) Jewish intermixtures who are nationals and have two entirely Jewish grandparents require the permission of the Minister of the Interior and the Deputy Führer, or some office designated by them, for a marriage with nationals of German

or related blood, or with Jewish mixtures who are nationals and who have only one entirely Jewish grandparent.

(2) In making a decision, special attention must be paid to the physical, spiritual, and personal character of the applicant, the period of his family's stay in Germany, his or his father's participation in the World War and his family history.

(3) The application for approval must be filed with the higher administrative authorities in whose district the applicant has his residence or usually lives.

(4) The procedure will be regulated by the Minister of the Interior in agreement with the Deputy Führer.

4. A marriage shall not be consummated between Jewish nationals of mixed blood, who have only one entirely Jewish grandparent.

5. The prohibitions of marriage because of partially Jewish blood are fully regulated by paragraph 1 of the law and by paragraphs 2 to 4 of this decree.

6. A marriage shall further not be entered into if children may be expected who may endanger the purity of the German blood.

7. Before the completion of the marriage, every engaged couple must prove by certification their physical fitness for matrimony and that no prohibition to marriage in the sense of paragraph 6 of this decree is present. If the certificate for physical fitness for matrimony is refused, only the appeal to the higher supervisory authorities is permitted.

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9. If one of the married couple is a member of a foreign state, the decision of the Minister of the Interior is required before the marriage permission is refused . . . , and also before a refusal to grant a certificate of physical fitness for marriage under paragraph 6.

10. The marriage entered into before a German consul is considered as being entered into in Germany.

11. Illegitimate intercourse, in the sense of paragraph 2 of the law, is only sexual intercourse. Illegitimate intercourse between Jews and Jewish mixtures who are nationals and who have

only one entirely Jewish grandparent is also punishable under paragraph 5, section 2, of the law.

12. (1) A household is Jewish (paragraph 3 of the law) if a Jewish man is head of the household or belongs to the house community.

(2) Anyone is employed in the household who has been accepted in the house community as employee, or who is busied with daily house-work or other daily works which relate to the household.

(3) Female nationals of German or related blood who at the time of the publication of the law were employed in a Jewish household may stay in this household in their former employment if they have reached their 35th year before December 31, 1935.

(4) This decree does not apply to nationals of foreign states who do not reside or remain continuously in Germany.

13. Anyone who acts contrary to the prohibitions of paragraph 3 of the law in connection with paragraph 12 of this decree is punishable under paragraph 5, section 3 of the law even if he is not a Jew.

14. For crimes contrary to paragraph 5, section 1 and 2 of the law, the large criminal chamber is competent in the first instance.

15. In so far as the provisions of the law and the administrative decrees concern German nationals, they must also be applied to those not members of any state who have a residence or usually sojourn in German. For those not belonging to any state who have a residence or usually sojourn abroad, these decrees are only applicable if such persons have formerly been German nationals.

16. (1) The Führer and Chancellor may grant immunity from the provisions of the law and its administrative decrees.

(2) Punishment of a national of a foreign state requires permission of the Ministers of Justice and Interior.

17. The decree becomes effective the day after its publication. The Minister of the Interior decides when paragraph 7 shall become effective; until this date a certificate of physical fitness for matrimony is only required in doubtful cases.

XX

THE REICH FLAG LAW

(September 15, 1935)

The Reichstag has unanimously enacted the following law which is hereby proclaimed:

Article I. The colors of the Reich are black—white—red.

Article II. The Reich and national flag is the swastika-flag. This is at the same time the trade-flag.

Article III. The Führer and Chancellor determine the form of the Reich war flag and of the Reich service flag.

Article IV. The National Minister of the Interior, except in those cases within the competence of the National Minister of War, shall issue adequate legal and administrative regulations for the execution and supplementing of this law.

Article V. This law shall come into force on the date of its promulgation.

Nuremberg, September 15, 1935, at the National Party Convention of Freedom.

XXI

PROCLAMATION TO THE GERMAN PEOPLE AND LAW FOR THE ORGANIZATION OF A FORCE OF DEFENSE

(March 16, 1935)

[The two following selections explain the reasons for Germany's renunciation of the disarmament provisions of the Treaty of Versailles, and formally re-establish universal conscription as the basis for German army service.]

To the German People!

When the German people in November, 1918—trusting the promises contained in Wilson's Fourteen Points—laid down arms after four and a half years of glorious resistance in a war the outbreak of which it never wanted, it believed that it had performed a service not only for tortured mankind but also for a great ideal as such. Suffering more severely than others from the effects of that insane combat, the millions of our people believingly turned to the idea of a reformation of international relations hoping that such relations would be ennobled by the abolition of the secrets of Cabinet Diplomacy on the one hand, and by the abolition of the terrible means of war on the other hand. The severest consequences of defeat, then, appeared to many Germans actually as necessary sacrifices for the sake of redeeming the world of similar horrors for ever. The idea of a League of Nations probably was not hailed with more fervent enthusiasm by any nation than by the German nation, robbed as it was of all earthly happiness. Only thus could it happen that the German people not only accepted but fulfilled

the conditions, in many respects really absurd, of destruction of any requirement and possibility of defence. The German people, and in particular its government of that time, were convinced that the fulfilment of the disarmament provisions of the Treaty of Versailles would, in accordance with the promises held out by the Treaty, introduce and guarantee the beginning of an international, universal disarmament. For it was only such a mutual fulfillment of the task set by the Treaty that could mean a moral and reasonable justification of a demand which was bound to become an everlasting discrimination and declaration of inferiority of a great nation, if imposed and enforced one-sidedly. In that way, such a peace treaty never could create conditions for a truly internal reconciliation of peoples and subsequent pacification of the world, but only for an ever intensified hatred.

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After such unexampled fulfilment of a treaty, the German people were entitled to expect the other party, too, to meet their obligations.

For:

1. Germany was disarmed.
2. The peace treaty had expressly provided that Germany was to be disarmed so as to create the conditions required for an universal disarmament, in other words, it asserted that Germany's armament alone motivated the arming of the other countries.
3. The government as well as the political parties representing the German people were imbued with a spirit in perfect harmony with the pacifist-democratic ideals of the League of Nations and its founders. But while Germany, as one of the contractual parties, had fulfilled her obligations, the other contractual party failed to meet their obligations. That is to say, the High Signatories of the Treaty onesidedly discarded the obligations of the Treaty of Versailles!

But, not enough that any sort of disarmament comparable to the destruction of Germany's armament failed to happen, no:

there was not even a stop to arming. On the contrary, it became evident that a considerable number of countries were increasing their military forces. Machines of destruction newly invented during the war, now in times of peace received their final perfection through the methodical work of science. Horrifying improvements uninterruptedly took place in the case of powerful armoured tanks and new fighting and bomber planes. New giant guns were constructed, new explosive, incendiary, and gas bombs developed.

And the world resounded from cries for war as though the World War had never been waged nor the Treaty of Versailles concluded.

In the midst of excessively armed military countries which more and more applied up-to-date motorized forces, Germany remained a territory void of any military power, defencelessly exposed to any danger and to any threat coming from any of them. The German nation remembers the misery and sufferings of fifteen years of economic impoverishment and of political and moral humiliation.

It was therefore natural for Germany to insist energetically upon the fulfilment by the other countries of their promise of disarmament. For so much is clear:

The world would not only endure a century of peace but would feel infinitely blessed. But it will not endure a century of differentiation between victors and vanquished.

But it was not only Germany but groups of people in many other countries that keenly realized the moral justification and necessity of international disarmament. The pressure of such forces resulted in attempts toward bringing about, through conferences, a decrease of armaments and thereby an international general adjustment on a low level.

Thus originated the first plans for international agreements on disarmament of which we remember the MacDonald plan as the most significant.

Germany was ready to accept that plan and to make it the basis of definite agreements.

It failed because of the opposition of other countries and was finally given up. The equality of rights, solemnly promised

to the German Reich and people by the December declaration of 1932, was never realized. The new German Government, therefore, being the protector of the honour and vital rights of the German nation, no longer felt able to participate in such conferences or in the League of Nations.

However, even after leaving Geneva the German Government was not only willing to study propositions of other countries but also to make practicable propositions of its own. It adopted the idea, as formulated by other countries, that short-serving armies were unfit for purposes of aggression and therefore to be recommended for peaceful defence.

The German Government consequently was ready to meet the wishes of other countries by transforming the long-serving Reichswehr into a short-serving army. Its propositions of the winter of 1933/34 were practicable and possible of realisation. Their rejection, as well as the rejection of Italian and British plans of a similar character, led to the conclusion that on the part of the other parties to the Treaty of Versailles there was no longer any inclination for a reasonable, if late, fulfillment of its disarmament provisions.

Under such circumstances the German Government felt constrained to undertake independently those measures that promised to make an end of the condition of utter defencelessness of a great Reich and nation, a condition as undignified as it was actually menacing. It proceeded from the same deliberations as recently expressed so truthfully by the British Minister Baldwin:

"A country not willing to take the necessary measures of precaution for its own defence, never will exercise any power in this world, neither a moral nor a material power."

The Government of the present German Reich wishes only for one moral and material power; it is the power of being able to preserve peace for the Reich which no doubt would mean peace for the whole of Europe.

It therefore did all it could for the promotion of peace.

(1) A long time ago it offered non-aggression pacts to its neighbour countries.

(2) It sought for, and found, a contractual agreement with its eastern neighbour country which, thanks to mutual understanding, it hopes for ever cleared the menacing atmosphere prevailing on its advent to power and will lead up to an enduring conciliation and friendship of the two peoples.

(3) It finally gave France the solemn promise that, the Saar problem settled, Germany would never again raise any territorial claims against France. It is convinced that this great sacrifice, political and material, as offered in an historically rare form, created a condition capable of ending centuries of disputes between two great nations.

However, the German Government regrets to notice that progressively increasing military preparations have been going on in the rest of the world for months. It considers the creation of a Soviet-Russian army of 101 divisions, i.e., an admitted effective strength of 960,000 men, an element not foreseen when the Treaty of Versailles was written.

The promotion of similar measures in the other countries is in its opinion another proof for the abrogation of the idea of disarmament as formerly proclaimed. The German Government is far from criticizing any country. But it is obliged to state that the introduction of two-year-service in France means that the psychological basis for the organisation of short-service armies has been given up in favour of long-service armies.

But that was one of the arguments used against Germany when she was asked to reorganize her Reichswehr.

Under the circumstances the German Government feels it impossible to delay the necessary measures of protection for the Reich any longer or to conceal them from the world.

In meeting the request for information on its intentions, as expressed in the speech of the British Minister Baldwin, of November 28, 1934, the German Government proceeded from the following considerations:

(1) to give assurance to the German people and information to the other countries that the protection of the honour and security of the German Reich will henceforth be entrusted to the German nation's own strength;

(2) to refute, by an account of the real extent of the measures taken, assertions intended to ascribe to the German people a desire for military hegemony in Europe.

Being the protector of the honour and interests of the German nation, the Government wishes to guarantee a degree of military power needed for the preservation of the Reich's integrity as well as for an international respect for, and estimation of, Germany as one of the safeguards of universal peace.

For at this hour, the German Government, before the German people and the whole world, repeats its determination never to exceed the limits of defence of Germany's honour and liberty, and, in particular, not to use national armament as an instrument of military aggression but exclusively to use it for defence and therefore for the preservation of peace.

The German Government expresses the confident hope that the German people, recovering its honour and enjoying independence and equality of rights, will have the privilege of contributing its share to the peace of the world through free and open coöperation with the other nations and their governments.

In this spirit the German Government, on this day, enacted the following law:

Law for the Organisation of a Force of Defence, of March 16, 1935.

The Reich Government passed the following law which is hereby proclaimed:

I.

Service in the Force of Defence is based on general conscription.

2.

The German peace army, including police of troops, consists of 12 army corps and 36 divisions.

3.

Supplementary laws regulating general conscription shall be submitted to the National Cabinet by the National War Minister.

XXII

LAW FOR NATIONAL DEFENSE AND SUPPLEMENTARY ORDERS

(May 21, 1935)

The National Government has agreed on the following law:

1. (1) Military service is an honorary service to the German people.

(2) Every German man is required to give military service.

(3) In time of war every German man and every German woman is required to perform military service for the fatherland.

2. The army is the bearer of arms and the soldiers' training school of the German people. It consists of the standing army, the navy, the air force.

3. (1) The Führer and Chancellor is the commander-in-chief of the army.

(2) Under him is the National War Minister who issues the orders for the army.

4. Liability to military service lasts from the eighteenth year to the end of the forty-fifth year following March 31.

5. (1) All of those subject to military service should hold themselves in readiness in case of an order of mobilization. The National Minister of War decides upon their employment.

(2) The actions of the army in case of war come before everything else.

6. In case of war and in special emergencies the National War Minister is empowered to increase the number of those liable to compulsory service.

8. (1) The Führer and Chancellor determines the duration of compulsory military service.

(2) Those subject to compulsory military service will be called into active service after having reached their 20th year. Voluntary entrance into the army is permissible at an earlier age.

(3) Fulfillment of the duties of the compulsory labor service is a prerequisite for entrance into the active army service. Exceptions will be regulated by special provisions.

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9. Those in compulsory military service who have reached their 35th year belong to the reserve.

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11. From the 35th to the 45th year, those subject to military service belong to the *Landwehr*.

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15. (1) Aryan descent is a prerequisite for membership in the active military service.

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(3) Only persons of Aryan descent can be promoted in the army.

* * * * *

17. (1) Those living in a foreign land have a duty to fulfil in the compulsory military service.

(2) Those who are required to give military service who live outside of the country, or who wish to go outside for a length of time, are given two years in which to fulfil their service. According to paragraph 5, section 1, only in special cases can exceptions be made.

ORDERS OF THE FÜHRER AND CHANCELLOR CONCERNING THE
PERIOD OF COMPULSORY MILITARY SERVICE

(August 24, 1936)

To paragraph 8 of the army law of May 21, 1935 I decree that in accordance with the suspension of my order of May 22, 1935:

The length of active military service in the three divisions of the army shall be generally established for two years.

The Minister of War and Commander in Chief of the Army will issue the necessary supplementary and transitional orders.

Berchtesgaden, August 24, 1936

Adolf Hitler
von Blomberg

ORDER OF THE FÜHRER AND CHANCELLOR CONCERNING THE
TRANSMISSION OF DECREES ACCORDING TO ARMY LAW

(May 22, 1935)

On the basis of paragraph 37, section 2, concerning the army law of May 21, 1935, I empower the Minister of War, and in questions of indemnity the Minister of the Interior, to submit administrative commands necessary for the execution of the army laws.

XXIII

REICH PROPERTY INHERITANCE LAW

(September 29, 1933)

[This basic statute is in line with the Nazi party program and was one of the first actions taken by the Hitler government which broke so completely with previous agricultural policies. Under Nazi rule the peasant and his property are made the special interest of the state.]

The Cabinet, by safeguarding old German customs of inheritance of property, wishes to preserve the peasantry as the blood source of the German people.

The property of peasants shall be protected from overburdening and splitting up so that it will remain permanently as the property of the family in the hands of free peasants.

A fair distribution of agricultural properties shall be worked out since a great number of productive smaller and medium sized peasant properties, distributed as evenly as possible all over the country, gives the best guarantee for the health of the people and state.

The Cabinet has decided upon the following law. The basic ideas of the law are:

Agricultural and forest properties of the size of at least one (*ackernahrung*) and of not more than 125 hectares are hereditary properties if they belong to a person who qualifies as a peasant.

The owner of an hereditary property is called peasant.

Only one who is a German citizen of German or kindred blood and who is honorable can be a peasant.

The hereditary property passes on undivided to the next principal heir.

The rights of the co-heirs are limited to the remaining fortune of the peasant. Heirs who are not principal heirs receive a professional training and portion corresponding to the value of the property; in case of financial difficulties for which they are not guilty, they shall be given home shelter.

The right of inheritance cannot be excluded or limited through disposal on account of death.

The hereditary property is basically unsaleable and not subject to mortgage.

The law is hereby proclaimed:

1. (1) An agricultural and forest property is an hereditary property if

1. Its size corresponds to paragraphs 2 and 3, and
2. If it is the exclusive ownership of a person qualified to be a peasant.

(2) Properties which are constantly utilized for renting purposes are not hereditary properties.

(3) Hereditary properties are officially registered in the hereditary property book. This registration has the purpose of clarifying but not determining legal rights.

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11. (1) Only the owner of an hereditary property is called a peasant.

(2) The occupant or owner of other agricultural or forest property is called landlord.

(3) Other titles for owners or occupiers of agricultural or forest properties are not permissible.

(4) The professional names of the owners in the property-book must gradually be changed accordingly.

12. Only one who possesses German citizenship can be a peasant.

13. (1) Only one of German or kindred blood can be a peasant.

(2) Anyone who has among his father's or mother's ancestors Jewish or colored blood, does not possess German or kindred blood.

(3) For the fulfilment of the requirements of section 1, January 1, 1800 is the date set. If it is doubtful whether the requirements of section 1 are fulfilled, the Court of Heredity decides upon the initiative of the owner or the district peasant leader.

XXIV

NATIONAL LABOR SERVICE LAW AND SUPPLEMENTARY ORDERS

(June 27, 1935)

[Another basic Nazi measure is the establishment of a universal labor service for young people, similar to universal military service but preceding it. The law and the description of a labor camp are intended to clarify this feature of Nazi Germany. The German labor service bears some resemblance to the Italian Dopolavora.]

The National Cabinet has decided upon the following law which is hereby proclaimed:

1. (1) The national labor service is an honorary service to the German people.

(2) All youths of both sexes are required to serve their people in the national labor service.

(3) The national labor service is intended to train the German youth in the spirit of National Socialism for a community of the people and for a true conception of labor, particularly for due respect for manual labor.

(4) The national labor service shall perform work which is useful to the public.

2. (1) The national labor service is under the jurisdiction of the Minister of the Interior. Subordinate to him is the Federal Labor Leader who exercises the functions of commander of the national labor service.

(2) The National Labor Leader is the head of the national administration of the labor service; he controls its organization, determines the number of laborers and supervises training and education.

3. (1) The Führer and Chancellor determines the annual number of those who are to be called into compulsory service as well as the length of the term of service.

(2) Liability to service begins no earlier than the end of the eighteenth year and at the latest with the end of the twenty-fifth year.

(3) As a rule persons liable to serve are called out during their nineteenth year. Voluntary enlistment in the national labor service at an earlier age is possible.

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6. * * * (2) Those eligible for compulsory service who are living abroad or who intend to go abroad for a longer period may be relieved from the labor service for two years and in exceptional cases for a continuing period, but for not more than the period during which they remain abroad.

7. (1) Persons of non-Aryan descent or married to persons of non-Aryan descent are not admitted to the national labor service. Non-Aryan descent is determined by the instructions issued by the Minister of the Interior in paragraph 1A, section 3, of the law for national officials of August 8, 1933.

(2) Non-Aryans who have been admitted to military service according to paragraph 15, section 2, of the military service law may also be admitted to the national labor service. They cannot, however, become senior officers in the national labor service.

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9. Provisions for the labor service of young women are reserved for special legal regulations.

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17. (1) Members of the national labor service belonging to the National Socialist German Workers' party are not allowed to participate in the work of the party or its various organizations.

ORDER OF THE LEADER AND CHANCELLOR SETTING THE PERIOD
OF SERVICE AND THE STRENGTH OF THE
NATIONAL LABOR SERVICE

The period of service until further notice is one-half year.

The Minister of the Interior, in agreement with the Minister of War, is empowered to relieve from duty with the national labor service, entirely or partly for the transitional period, certain groups of those to be called into military service. The strength of the national labor service, including the basic personnel, is set at 200,000 men for the period between October 1, 1935, and October 1, 1936.

ORDER OF THE LEADER AND CHANCELLOR SETTING THE PERIOD
OF SERVICE AND THE STRENGTH OF THE NATIONAL
LABOR SERVICE AND OF THE LABOR SERVICE
FOR YOUNG WOMEN
(September 26, 1936)

Under sections 3 and 9 of the National Labor Service law of June 26, 1935 I order that:

Article 1. For all persons subject to labor service who are also subject to military service, the labor service in the National Labor Service shall be one half year.

Article 2. The strength of the National Labor Service is to be increased in the period from October, 1936 to October, 1937 to 230,000 men (including the basic personnel), in the period up to the beginning of October, 1938 to 275,000 men (including the basic personnel), in the period up to the beginning of October, 1939 to 300,000 men (including the basic personnel).

Article 3. (2) The strength of the Labor Service for young women is to be increased in the period from April, 1937 to March, 1938 to 25,000 women (including the basic personnel).

XXV

AN AMERICAN STUDENT'S IMPRESSIONS OF THE GERMAN LABOR SERVICE CAMP "WESTERWALD"

One of the most remarkable achievements of the National Socialist Government has been the creation of the Compulsory Labor Service, in which every able-bodied young German must serve after he has finished his secondary school examinations (*Abitur*).

The aims of the Compulsory Labor Service are threefold: social, educational and military. In the first place, the men are taught to do hard manual work and, more important, to honor such work, and not to look down on the humble laborer. Political Training plays an important part in the routine of the camps. The men are thoroughly schooled on the National-socialist "Weltanschauung" and the theory of the totalitarian state. Then too, the Labor Service is important in that it prepares the men for the year's military service, which follows immediately on completion of these six months Compulsory Labor Service. The Labor Service has its own distinctive uniform, is strictly disciplined, does regular drill, stands watches with spades instead of guns, and makes long marches. Konstantin Hierl, the head of the Service, has recently been given a general's ranking in the Reichswehr.

Lastly and most important, we must always keep in mind the fact that the great keystone of the National-socialist Party Program is the elimination of the class discord which was so characteristic of the postwar period, and the creation of complete German spiritual and national unity (*die Volksgemeinschaft*). The creation of such a unity is the Labor Services' main task. For six months the sons of Bavarian peasants, Berlin

laborers and great industrialists are thrown together. Social differences disappear, each man comes to understand the other's problems better, and a true spirit of comradeship develops.

On the Carl Schurz Trip some weeks ago the American Exchange Students visited the Labor camp "Westerwald" on the Rhine, a few kilometers above Bonn. The camp has around 160 men, including officers and personnel, and is a complete little city in itself. Its simple wooden buildings contain officer's quarters, kitchen, mess hall, sleeping quarters for the men, social and reading rooms, showers and wash rooms, a canteen, an infirmary and a workshop. The camp has its own garden, where vegetables are grown. The men are engaged in draining and reclaiming a nearby swamp, where some day new farms will stand. Some idea of the gigantic proportions of this work may be gained from the captain's statement. He estimates that there is work for his camp for twenty years. Multiply this figure by the 1500 camps in Germany, and we can get some conception of the tremendous benefit that will accrue to the Reich.

Here is a typical day's schedule for summer: Arise at 5:00 A.M., wash up, put quarters in order, breakfast and march to work at 7:30. The men work seven hours per day, and receive their uniforms, board and lodging, medical care and twenty five pfennig per day in return. At 3:00 P.M. comes dinner, and following, sport, drill and political instruction. The evening meal is at 7:00 P.M., and is followed by games, music and relaxation. At 9:30 or 10:00 P.M. lights are out.

The men themselves make a tremendous impression. Imagine 150 muscular lads wielding spades, stripped to the waist, and burned brown as Indians by the sun. There is none of the shirking we see in our own CCC camps, and the miles of ditches and the piles of dirt are mute evidence of what has been accomplished. The life is Spartan (Imagine running through the snow in the wintertime to take a shower bath, or—sleeping??? under two thin blankets) but illnesses are rare, and nearly all the men gain 10-15 pounds during their period of service. The food is simple, but plentiful and well cooked. It is absolutely incomprehensible how a hungry boy can be so well fed on the eighty three pfennig per day food allowance. The officers are

splendid chaps, carefully picked for their leadership abilities and political reliability. They are extremely courteous, and eager to answer all questions.

I question whether an American would find the life agreeable. From our point of view, the discipline and the organization of every hour, even the evening recreation, would be intolerable. But we Americans are a notoriously undisciplined people, whose traditions and "Lebensart" are completely at variance with those of the Germans, and what we regard as an overemphasis of discipline and organization seems only natural to the young German. Whatever our criticisms may be, there was something about this camp, a vigor, a spirit which made me feel a little inferior. I had the unpleasant feeling that there was a strength, a high resolve, and a burning love "für das Vaterland" in these men that we Americans have lost since the passing of the frontier and our retreat from imperialism, but which we might well seek to regain.

XXVI

FUSION OF INDUSTRIAL BUSINESS WITH THE GERMAN LABOUR FRONT

Agreement.

I.

The advisory board of the Reich Chamber of Industry in which the leaders of Reich groups and main groups and the leaders of the Chambers of Industry are represented, upon being called by the president of the Reich Chamber of Industry and the leader of the German Labour Front, constitute the Reich Council of Labour and Industry, in conjunction with the Reich Council of Labour which consists of the leaders of Reich works unions and district administrations (after the completion of the Reichsreform: the Reich Province Administrators of the Labour Front). The National Ministers of Industry and Labour shall be invited to take part in the meetings of the council.

The principal business of the Reich Council of Labour and Industry is as follows: discussion of common questions of business and social policy, creation of loyal coöperation of all divisions of the Labour Front, and acting on communications of the Government and of the leaders of the Labour Front.

The office of the Reich Chamber of Industry will be simultaneously the industrial office of the Labour Front subordinate to the Reichsminister of Industry.

Corresponding to the example of the Reich administration of the Labour Front, the advisory boards of the district Chambers of Industry constitute, with the district advisory boards of the Labour Front, the District Councils of Labour and Industry. The business of the latter corresponds to the business of the Reich Council of Labour and Industry. The business adminis-

tration of the District Chamber of Industry will be the District Bureau of the Labour Front at the same time.

II.

(a) In all organisations and sections of the German Labour Front, professional or territorial, works leaders and gangs are to be given a share in management and discussions, their numbers to be evenly distributed. Membership in the Labour Front is a requirement for appointment.

In selecting the works leaders care must be observed to take care as far as possible of such men as simultaneously coöperate with the professional and territorial sections of industrial business as organized on the basis of the law of February 27, 1934. As a matter of principle, a works leader is to be appointed deputy section leader in any division of the Labour Front unless the section leader himself be a works leader.

(b) In the various sections of the Labour Front, professional and regional, the leaders call meetings, at proper intervals, of their respective works leaders and gangs, or of the works leaders and their trustees. Competent persons shall deliver lectures at those meetings, mainly for the purpose of imparting to the works leaders an appreciation of justified claims of their gangs, and to the gangs an understanding for the situation and possibilities of their establishments. Thus conditions for a real community of the people for service will be created. The employees and the works leaders shall be given opportunities for discussion of the subjects presented.

(c) The Reich works communities, and in particular their local sub-divisions, form working committees consisting of equal numbers of works leaders and employees of the branch of industry that corresponds to the Reich works community. The number of members in those committees shall not exceed twelve. At least one half of the membership must be taken from the members of the expert committee of the Trustee of Labour competent for the respective branch of industry. If he so desires the Trustee of Labour shall be invited to meetings. Similarly, the working committee may petition that the Trustee or his delegate be invited.

For the purpose of bringing about an equitable social adjustment, those working committees shall discuss special professional questions, particularly those pertaining to social policy, common to the works leaders and employees of the respective branches of industry independent of the questions to be discussed according to section 2 above. Such questions are especially the general questions subject to the sole decision of the competent government authorities (Trustees of Labour), according to the provisions of the law for the organisation of national labour (cf. N. i. B., vol. 2, p. 5). In the case of affairs of individual works, works leaders and trustees of the respective works must be included in the discussions of the working committee. Inspections of works may be carried out only by authorities and managers of the Labour Front, with the consent of the works leader of the establishment to be inspected, as provided for by the ordinance of the German Labour Front on inspection of works, issued October 10, 1934.

As far as there is a decision on the subject discussed required, it is made solely by the Trustee of Labour in compliance with the regulations of the law for the organisation of national labour. The committee shall submit, as material, the results of its discussions to the Trustees of Labour and their committees of experts.

Only the offices of legal counsel of the Labour Front are entitled to deal with individual disputes that belong to the sphere of competence of the Labour Courts.

The above agreement concerns both employers and employees. It reminds again the employers of their duties as works leaders toward their men. The success of the activity of employers depends entirely on the loyalty, the industry, and the efficiency of the employees. Mutual understanding, mutual confidence, and mutual consideration are to be the basis and purpose of the new system of coöperation within social self-administration. Convinced that all persons concerned will understand their duties in the spirit of national socialism, our Führer approved the above agreement issuing an ordinance signed by him in person.

Ordinance of the Führer.

National socialism did away with the struggle of classes. The fighting organisations of trades unions and employers' leagues have disappeared. Class-struggle has been replaced by the community of the people. The German Labour Front gives a visible expression to that community of the people by uniting all creative individuals. Organisations within national business are necessary but they should not work against one another but for one another. I therefore welcome and approve the intention of the National Minister of Industry of fusing, as an incorporated member, with the German Labour Front, the organisation of industrial business as created by him through the law of February 27 and the executive regulations of November 27, 1934. The agreement attained by him in common with the Reichsminister of Labour and the leader of the German Labour Front concerning an uniform coöperation in the spheres of industry and social policy is herewith given my approval.

The foundations of the new social self-administration of all creative Germans have now been completed by the new agreement: after the establishment of the German Labour Front, after the enactment of the law for the organisation of national labour, and after the organisation of industrial business.

The agreement is not a gift but an obligation for highest efficiency. It is governed by the will for community work. That will must be the driving force of even the lowest organs of our entire system of labour and national business. I know that every German fellow-citizen will justify the confidence put in him by this new achievement.

On the day of Potsdam, March 21, 1935,

(signed)

THE FUHRER AND CHANCELLOR.

XXVII

THE DEVELOPMENT OF THE GERMAN EDUCATIONAL PLAN, 1934-1935

[A new educational policy has been developed by the Nazis and is now in operation. The new program completely changes the methods and materials of instruction in order to bring the minds of students into line with National Socialist thinking.]

Expressions of anxiety are often heard because the long-awaited new School Laws have not yet come into operation. Foreign visitors especially have wondered that, in spite of the comprehensive and rapidly moving legislation in other directions, Germany still lacks a set of general laws dealing with the school question. There is good reason for this. Minister of Education Rust, in an address made early this year, stated that every system of organized education was by its very nature bound by certain laws. Minister Rust said in part: "The road leading to a new school system cannot be travelled with seven-league boots. The growth of an educational system in a nation can be compared to the growth of trees in a forest. Mistakes made at the start do not work their harmful results suddenly or quickly, as in other national institutions. Their baneful results show themselves later on; and therefore there rests a greater responsibility for precaution on the part of those entrusted by the state with the problems of education. It is out of the question that a general system of education or the establishment of a general school plan can be introduced until it has been long enough tried to have proved its ultimate fitness."

Systematic reforms in the field of education have been going on in Germany for two years. Anyone who makes a careful study of the measures which have been taken by the German

Ministry of Education since the founding of a central Ministry of Culture will discover that the various individual ordinances emanating from the Ministry are uniform in purpose and have the same definite end in view.

In the *Leitgedanken zur Schulordnung* of December 18th, 1933, is a clear explanation of the new plan. The *Leitgedanken*, or "guiding principles," state the question clearly by naming three forces which must work together in the reform of German education. These are the Schools, the Hitler Youth League and the Family. These three institutions are recognized as the natural and indispensable agencies in the education of boys and girls. It will be the endeavour of school reform to guarantee the efficacious working of these three forces.

The scheme had its first formal expression in the establishment, by decree of October 24, 1934, of the "School Councils" (*Schulgemeinden*), to replace the former "Parents' Councils" (*Elternbeiräte*). To quote from the decree: "When Home, School and Hitler Youth League, each in its own sphere, assume their proper share of responsibility, they will not only be able to coöperate in making a success of the education of the young, but will also be able to watch the progress which is being made by this three-fold arrangement." In order to fix this joint and common responsibility, the School Councils will be composed of parents, teachers and leaders of the Hitler Youth League. It will be the duty of the Council to act as adviser to the director of the school in all important educational questions.

The new element in this plan is the part which will be played by the state through the youth organizations which have developed out of the "youth movement" of former years, but freed from Marxist influence and religious sectarianism. The idea is personified in the "*Hitler Jugend*" (the Hitler Youth League) whose basic principle is self-education and self-discipline. The units of this organization are in themselves schools of self-control, comradeship and chivalry. It would not be saying too much to assert that the "*Hitler Jugend*" and the "*Bund Deutscher Mädchen*" (German Girls' League) are to-day in a position to give the tone to the development of German char-

acter and comradeship among German boys and girls. That these good influences have become a recognized and guaranteed fact is due to the new political leadership in Germany. By decree of June 7, 1934, Saturday of each week is devoted exclusively to the educational work of the "*Hitler Jugend*" in all German schools. All boys and girls between ten and fourteen years of age are included in its jurisdiction. On the so-called "*Staatsjugendtag*," the pupils are engaged in this training from 8 a. m. till 6 p. m. in winter, and from 7 a. m. until 7 p. m. in summer. Special provisions are made for the loss of time thus sustained from the regular school routine.

So far as the schools themselves are concerned, a series of regulations have been put into effect which are distinctly revolutionary in the history of common school education. It is well-known that the German Government considers as its foremost task in the realm of the education of the young to bring the youth of the nation into a proper conception of the relationship between the nation and the home, and to cultivate the healthy instincts of mind and body along the most rational lines. To reach this goal it was necessary to make fundamental changes in school routine. It was not enough to do away with the unnatural limiting of the education of the young to theoretical instruction within the four walls of a class room. Far more important was to break down the dangerous social barriers between city-bred and country-bred children. The means with which Germany is now seeking to overcome this danger are the institution of the "*Landjahr*" for elementary school boys and girls, and special courses ("*Lehrgänge*") for students of high schools etc.

The *Landjahr* plan was tried for the first time in Prussia April 1, 1934, and during that summer 22,000 children, at the conclusion of their primary and grammar school education, or approximately at the age of fourteen, were sent out from the larger Prussian cities for a 9 months' sojourn in the country. The idea was to bring these city children into personal contact with the life and work of the peasants. The method is that of self-management under strict discipline according to the rules of the *Landjahrführer*. It was not a question of extending the

instruction of the city schools into a ninth school year, but of giving city boys and girls a new idea of the rural districts of the country. The experiment was such a success that the number of Prussian children taking part in the *Landjahr* in 1935 increased to 31,000.

With the same end in view, an experiment has been made in the Rhine Provinces of sending the boy and girl students of the two upper classes of the high schools for a three weeks' "national-political" course of instruction on the farms (*Nationalpolitische Lehrgänge*). As the summer-schools which some of these high schools already had, were inadequate for the carrying out of a general plan of this kind, all of the young peoples' hostels in the Province were commandeered for the purpose. In this way, between December 1933 and January 1935 all the students in the upper classes of the Rhine Province schools were able to take this three weeks' course. (The total number was 19,012 boys, 9,039 girls, 1,415 male teachers and 1,834 female teachers.) Emphasis has been placed by the school authorities in charge of these courses on a spirit of comradeship, as well as of discipline and a personal sense of responsibility. The course of instruction itself depends somewhat upon the region where it is given, but in general it has to do with the work of the peasants. The problems of rural settlement and population are made a subject of special study. (Proclamation of the Reich Ministry of Education of October 4, 1933, and that of the President of the Rhine Province of January 5, 1934.)

The curriculum has also undergone certain changes, although Minister Rust considers that these questions are of secondary importance, and that the spirit pervading a school cannot be altered through the medium of courses of study. As early as the spring of 1933, the amount of instruction in German history and geography was amplified, while later in the same year, biology was given an important place in the plan of study. This latter subject is being taught in conformity with the terms of an express order issued by the Minister of Education on January 15, 1935. This is to the effect that courses of instruction in biology shall deal primarily with questions of heredity, Mendel's law, the theory of the survival of the fittest, family

history, the heritability of physical and mental traits, and in general, ethnology and ethnological hygiene. As subdivisions of this subject, the distinction between race and nation and the ethnology of German and other European racial groups are given special attention. The importance of physical exercise and gymnastics, for the development of will-power and healthy thinking are recognized in the form of three compulsory gymnastic classes each week. According to the text of the above order, stress is not so much to be laid on mere instruction or occupying the mind of the student, but upon positive character-building. In other words, the schools should teach not only how to think, but also how to act.

The tendency of German educational reforms as a whole is to avoid a one-sided intellectualism. It is only necessary to call to mind the ordinance of March 7, 1935, pursuant to which every young German who wishes to enter a college or a university must first serve six months in the "*Arbeitsdienst*" (labor service organization). Within the schools, the comprehensive decree of March 27, 1935 on the "Selection of Students for the Higher Institutions of Learning," works a similar result. "The task of these Institutions," so reads the decree, "is to train the bodies, the characters, and minds of the young Germans selected, so that they will be fitted later in life to fill commanding positions in our political, cultural, and economic national life. It is therefore the duty of such institutions to separate the unsuitable and unworthy from those more fitted and capable of advancement and promotion. Constant tests must be made as to physical, moral, mental, and general qualifications." Accordingly, in the future no students of either sex will be admitted to the advanced institutions who are suffering from an incurable physical ailment; students who violate the demands of propriety, comradeship, discipline or integrity; students whose mental development continues to remain below a certain standard. From this it may be seen that intellect, and intellectual capacity to learn are no longer to be considered the sole criterion in measuring a student's fitness, but rather his character and personality.

The advance-guard of this new educational system are

the "National-political Training-Schools" (*Nationalpolitische Erziehungsanstalten*), of which there are now 11 in Prussia and 3 in other parts of the Reich. They are in fact boarding schools, and in some cases the successors of the former cadet academies. Their directors are personally responsible to the Minister of Education. "Out of these institutions we have made experiment stations, by transforming them from 'pensions' and private boarding schools into a scheme of general national-political education. We wish to promote the development of character hand in hand with physical fitness. We require strenuous physical training without detracting from the importance of mental development." (Reichminister Rust.) The main characteristic of these schools does not lie in their curriculum but in the methods employed and in the men to whom it has been entrusted to carry them out.

The question of school classification is still open. The Government has very prudently guarded against any undue haste in deciding so vital a question. The direction which school reform will take, has up to this time only been put into practical operation in the case of the higher schools for women. At Eastertide 1935, the Prussian "Womens' High Schools" (*Frauenoberschulen*) and the "Technical High Schools for Professional Women" (*Höhere Fachschulen für Frauenberufe*) were consolidated into a uniform type of high school for women with a course of three years.

We in Germany are perfectly well aware that the best scheme of education in the world looks well only on paper, if the right kind of teachers are lacking. The *problem of training teachers* which has become acute in many forms and in many countries, is the corner-stone of the National-Socialist educational policy. New methods have already been adopted for the training of common school teachers and the municipal "pedagogic academies" founded by the Weimar Government have been re-organized as "Seminaries for the Training of Teachers" (*Hochschulen für Lehrerbildung*), having been for the most part removed from the metropolis to small provincial towns. So far as teachers are concerned, a definite halt has been called in the

unnatural tendency of teachers to migrate from the country to the big cities. In the future, the teacher of a country school will not be allowed to be spoiled for his country school duties by his contact with metropolitan life. A scheme of training for teachers in the more advanced schools has not yet been fully developed in its final form. New regulations concerning examinations as part of a systematic course of pedagogical instruction is now being formulated. In the future no person studying to become a teacher will be permitted to begin his special pedagogical studies in the University until he has had the necessary experience in the elementary principles of the German educational policy.

A number of important innovations have also been made, which will entirely change the general character of German professional schools (*Berufsschulen*).¹

The student organizations (*Fachschulschaften*) existing in practically all German technical schools, have now been combined with the Reich Organization for Student Aid (*Reichsstudentenwerk*). By this means students attending these technical schools can avail themselves of the economic benefits provided by the *Reichsstudentenwerk*. The help given to students at technical schools who until now had no access to the *Reichsstudentenwerk* will prove of untold value to many such students. The *Reichsstudentenwerk* will provide such material assistance as will take care of the most urgent needs of technical students, who will at the same time have the benefit of many services rendered by the Students' Auxiliary Relief.

Saturday of each week will be devoted by the technical school organizations to the physical and political training of its members. Satisfactory proof must be furnished by each student that he has completed such instruction; upon which will depend his admission to take the technical school examination. Details for the carrying out of this plan are contained in appropriate orders

¹ The following paragraphs are inserted into the report of the German delegation at the 4th International Educational Conference, in order to provide a complete survey of the development of the German educational system in all its branches.

issued by the Ministry of Education. All students are under obligation from now on to participate in the physical exercises. The former course of study in Civil Government has been replaced by a course of training along the lines of National Socialist thought and National Socialist theory of political leadership. This instruction will include the following subjects: History and meaning of National Socialism, the German Nation and its sphere of influence, the German State and German National Economics. The total number of hours has been fixed at 40, beginning with Monday morning and ending with Friday evening.

Certain of the technical schools will have supplementary classes on the subject of automotive power and aeronautics. Terms of admission and course of study are the subject matter of a special set of orders. Courses include the following branches: Power and Combustion Engines, Cranes, Electro-technique, Factory Plant and Operation, Steel Construction, practical experiments in machine-shops and electrotechnical laboratories, Aeronautical Drawing, Motor-car Construction, Aeronautical Statistics, etc.

In conformity with the purpose of the National Socialist State, the hitherto prevailing *neglect of Agrarian Schools* will be remedied. It is the urgent desire of the Minister of Education that nothing shall be left undone which can be of service in promoting the cultural and spiritual advancement of the young peasant men and women after their graduation from the village school. In accordance with his orders the Agrarian Schools will be stimulated in every possible way, in order to afford the German peasant the educational opportunities which until the National Socialist Revolution had been denied him. This can only be done on the basis of a permanent and close co-operation with the peasant population. Only such a coöperation can make possible the proposed plan to train teachers in the best interest of the rural population. The general school reform plan will always reserve the right to do away with the diversified character of the rural colleges as they now exist, and

to restore such uniformity as is consistent with the individual regional characteristics.

The outline which has been prescribed for the establishment of rural professional schools and housekeeping schools contemplates a two years' course. The annual course of instruction is divided into 160 hours extending through the summer as well as the winter. These schools "shall demonstrate to the young peasant the importance of his work and so awaken in him an understanding of his place in the life of the nation." A fundamental part of the instruction in the rural professional schools will include actual work in the fields at all seasons of the year. It is to be the function of the rural professional school to bring the young peasants to the consciousness that they are active workers in the service of the nation. Technical study in one of the agrarian training schools is reserved for those who have fulfilled the requirements of the rural professional schools. Material for teachers will be drawn from among the common school teachers who have made a satisfactory record in the village school and have taken a special supplementary course of instruction.

In conjunction with the rural professional schools, advanced schools of agriculture have been established for the benefit of German peasants. These institutions deal with scientific farming and offer both peasant and farm-owner the opportunity of improving his practical and theoretical knowledge of scientific farming. The strengthening of the bonds between the peasant and his native soil is the highest aim of these schools, which are also under the immediate supervision of the Reich Minister of Education.

Admission to one of these last-named institutions depends upon proof of a good general education, and entering students must be at least twenty years of age and have had $3\frac{1}{2}$ years' experience in practical farming. The courses of lectures given will deal with the following subjects: the adaptability of various kinds of soil for planting; cattle raising and cattle breeding; national economics, and the rights and duties of the German peasant. Subsidiary courses will be given in mechanics, build-

ing, fruit and vegetable raising, tree planting and the care of forests, and veterinary surgery. Courses in practical field planting and cattle raising will be in charge of special groups of farm experts. At the end of a course of study lasting for a year, oral and written examinations will be held in all agricultural schools recognized by the Government. The number of students in one of these schools may not exceed fifty.

XXVIII

PRESIDENT HINDENBURG'S POLITICAL TESTAMENT

"To the German People and the German Chancellor, My Testament.

This letter is to be delivered by my son to the Chancellor.

The letter reads as follows:

To the German People and the German Chancellor:

In 1919 I wrote the following words in my testament for the German people:

"We were done for: Like Siegfried, pierced by the treacherous spear of grim Hagen, our front collapsed exhausted. In vain had it tried to drink new life from the ebbing well of our country's strength. Now it was our task to save the remaining forces of our army for a future reconstruction of the fatherland. The present was lost. There only remained a hope for the future.

"Let us start out to work!

"I can understand why so many officers were seized with the desire to retire from the world, in view of the breakdown of all that had been dear and precious to them. The longing for 'not-to-know-anything-more' of a world whose stirred-up passions had distorted completely the true cosmic character of our people, is humanly intelligible, and yet—I must frankly express what I think:

"Comrades of the German army once so great and proud: Could you talk of despairing? Think of the men who more than a hundred years ago created an internally new fatherland for us. Their religion was the faith in themselves and in the sanctity of their cause.

"They created the new fatherland, not founding it upon a mania for doctrines alien to us, but building it up on the basis of

a free development of the individual within the scope of and responsibility for the common weal! Germany will travel that same road again once she can stay on her feet again.

"I confidently hope that now as in those times the connection with our great, rich past will be preserved and, where it was destroyed, restored. The old German spirit will assert itself again even if it has first got to go through a most severe clarification in the furnace of sufferings and passions. Our opponents knew the power of that spirit. They admired and hated it in its practical work in peace. They were astounded by it and they feared it on the battlefields of the great war. They tried to explain our strength to their peoples with the meaningless word "organization." They ignored the spirit that created this source of strength living in it and working through it. But in that spirit we must courageously start building up again.

"Germany, the receptive and radiating center of so many inexhaustible values of culture and civilisation will not perish as long as she keeps her faith in her great, universal mission. I confidently believe that the mental strength and profundity of the best men of our country will succeed in fusing new ideas with the precious treasures of the past and, through such fusion, coin lasting values for the good of the country.

"Such is my unshaken conviction upon leaving the bloody battlefield of nations. I witnessed the heroic fight of my country and shall never believe that its fighting was the agony of death . . .

"For the present a high tide of wild political passions and loud phrases has buried all of our former political principles, apparently destroying all traditions sacred to us. But this tide will ebb away again. Then, out of the ever agitated sea of national life, there will emerge once more that rock to which the hopes of our forefathers used to cling and upon which our strength confidently built the future of our country nearly half a century ago: the German Empire! Once the national idea and national self-realisation has been reborn there will grow forth morally valuable fruit from the great war which no nation can look back to with a more justified pride and with a purer conscience than ours, as long as it remained loyal, as well as

from the bitter tragedy of these days. The blood of all those who fell believing in Germany will then not have been shed in vain.

"In such confidence I lay my pen aside, trusting in Thee—German Youth!"

"The above words I wrote in an hour of the greatest darkness and wrongly thinking that I had reached the end of a life of service to my country. But fate willed it otherwise. It opened a new chapter of my life in the spring of 1925. Once more I was called to coöperate in shaping the destiny of my people. Only my firm confidence in Germany's inexhaustible sources gave me courage enough to accept the first and second nomination for President. That unshaken faith also gave me the inner strength to carry out imperturbably my difficult task.

"The last period of my life was at the same time the hardest to bear. Many people did not understand me in those turbulent years. They would not believe that it was my sole concern to lead the disunited and discouraged German people back to self-assertive unity.

"I entered upon and conducted my office realizing that in domestic and foreign politics there was required a period of resigned preparation. Beginning with my Easter Message of 1925 when I called the nation to the fear of God and to social justice, to internal peace and political cleanliness, I never tired of encouraging the inner unity of the people and the realization of the best traits of its character. In so doing I was aware of the fact that the national basic law and form of government which the people had adopted at a time of great distress and internal weakness did not harmonize with the real needs and qualities of our people. There would have to come an hour when such knowledge became common property. For this reason I thought it my duty to lead the country through the vale of external oppression and humiliation, of internal distress and self-destruction, without endangering its existence, until that hour struck.

"The Reichswehr (Army), the defender of the State, had to be the symbol and firm foundation for reconstruction. It had to preserve the old-Prussian virtues of self-understood loyalty, simplicity, and comradeship as the solid basis of the State.

"The German Reichswehr, after the collapse, continued, in an exemplary manner, the high tradition of the old army.

"Always and for ever the army must remain an instrument of governmental administration which, uninfluenced by the development of domestic politics, aims to serve its high function of defending the country.

"When I shall have returned to my comrades in the other world with whom I fought for the greatness and honour of the nation on so many battlefields, I shall call to the young generation:

"Prove worthy of your forefathers and never forget that, if you wish to protect the peace and welfare of your country, you must be ready to make the ultimate sacrifice for that peace and for the honour of the country. Never forget that your actions, too, will some time be a tradition!

"The gratitude of the Field-Marshal of the World War and of their commander-in-chief goes out to all those men who carried out the construction and organisation of the Reichswehr.

"In its foreign policy the German people had to travel a path of suffering. A terrible treaty weighed upon it threatening, as its effects accumulated, to ruin our nation. The world around us for a long time did not see that Germany's life had to be preserved not only for her own sake but as the standard-bearer of occidental civilisation for the sake of Europe.

"Only step by step, without inciting the resistance of superior forces, would it be possible to loosen the chains that surrounded us. Many of my old comrades did not at the time understand the necessity of that course. But history will judge more justly how bitter and at the same time how necessary many a document of state signed by me was in the interest of preserving the life of the German people.

"A progressive and, if God grants it, beneficial coöperation in the problems concerning all Europe could be striven for, or attained, in accordance with the growing inward regeneration and recovery of the German people on the basis of its own national honour and dignity.

"I thank Providence for letting me live to see in the evening of my life the beginning of recovery. I thank all those who,

with an unselfish love of country, coöperated in the work for Germany's resurrection.

"My Chancellor Adolf Hitler and his movement have taken a decisive step of historical significance toward the great ideal of creating the internal unity of the German people beyond all differences of caste or class. I know that much remains to be done, and with all my heart I wish that the act of national rebirth and national unification be followed by an act of reconciliation that will include the whole German fatherland.

"I depart from my German people in the confident hope that, what I longed for in 1919 and what, slowly ripening, lead up to the 30th of January, 1933, will progress to a perfect fulfilment and completion of the historical mission of our people.

"In this firm belief in the future of the fatherland I can close my eyes in peace."

Berlin, May 11, 1934.

(signed) VON HINDENBURG.

XXIX

SPEECH OF CHANCELLOR ADOLF HITLER BEFORE THE REICHSTAG ON MARCH 23, 1933

Men and Women of the German Reichstag,

The National Socialist party and the German National People's party, with the concurrence of the Government of the Reich, have proposed a motion for the adoption of a law for the removal of the distress of the people and the Reich. The reasons for this extraordinary procedure are as follows:—

In November, 1918, Marxist organizations seized the executive power by means of a revolution. The monarchs were dethroned, the authorities of the Reich and of the states removed from office, and thereby a breach of the constitution was committed. The success of the revolution in a material sense protected the guilty parties from the hands of the law. They sought to justify it morally by asserting that Germany or its Government bore

THE GUILT FOR THE OUTBREAK OF THE WAR.

This assertion was deliberately and actually untrue. In consequence, however, these untrue accusations in the interest of our former enemies led to the severest oppression of the entire German nation and to the breach of the assurances given to us in Wilson's fourteen points, and so for Germany, that is to say the working classes of the German people, to a time of infinite misfortune.

All the promises made by the men of November, 1918, proved to be, if not intentionally misleading from the start, no

less damnable illusions. The "achievements of the revolution," taken as a whole, were only pleasing to the smallest fraction of our people. But for the overwhelming majority, at least in so far as they had to earn their daily bread by honest work, they were absolutely tragic. It is, of course, comprehensible, that the instinct of self-preservation of the parties and men responsible for this state of affairs provided them with a thousand palliatives and excuses. The sober comparison of the average results of the last fourteen years with the promises proclaimed aloud at the time is disastrous for the responsible instigators of this crime unparalleled in German history.

In the course of the last fourteen years our nation has suffered from a decline in all spheres of life on such a scale that anything worse can hardly be imagined. The question of what could have been worse in this period is unanswerable in view of the basic values of our German nation and the formerly existing political and economic heritage.

The German nation itself, in spite of the difficulty it finds in changing its political feelings and opinions, has more and more turned its back on the views, parties and associations responsible in its eyes for these circumstances.

The number of Germans who were wholehearted supporters of the Weimar Constitution was, in spite of the power of suggestion and the ruthless exploitation of governmental authority, actually no more than a fraction of the whole nation.

It was, further, a characteristic feature of these fourteen years that—apart from natural fluctuations—the line of development led constantly downwards. The recognition of this depressing fact was one of the causes of the general despair. It furthered the realization of the necessity of a fundamental abandonment of the ideas, organizations and men that the nation gradually began rightly to recognize as the underlying causes of our decline.

The National Socialist movement was consequently able, in spite of the worst forms of oppression, to attract a constantly increasing number of Germans who were ready to devote themselves heart and soul to the struggle. In combination with the other national associations, it has now, in the course of a few

weeks, removed the powers that had dominated the country since November, 1918, and, by a revolution, placed public authority in the hands of the National Government. On the 5th of March the German people gave its approval to this act.

THE PROGRAM OF RECONSTRUCTION

of the nation and the Reich arises from the intensity of the needs of our political, moral and economic life. Fully convinced, as it is, that this collapse is due to internal infirmities in our national body corporate, it is also the aim of the Government of the National Revolution to remove from our national life those defects which would prevent any real recovery in the future. The splitting up of the nation into groups with irreconcilable views, systematically brought about by the false doctrines of Marxism, means the destruction of the basis of a possible communal life.

The disintegration attacks all the foundations of the social order. The completely irreconcilable views of different individuals with regard to the terms state, society, religion, morals, family and economy give rise to differences that lead to internecine war.

Starting from the liberalism of the last century, this development is bound by natural laws to end in communistic chaos.

The mobilization of the most primitive instincts leads to a connection between the views with regard to a political idea and the doings of real criminals. Starting with plunderings, incendiarism, train-wrecking, political outrages and so on, everything receives its moral sanction from the principles of Communism. The method of individual terrorization of the masses alone has cost the National Socialist movement over 350 dead and tens of thousands of wounded in the course of a few years.

The setting on fire of the Reichstag, as an unsuccessful attempt forming part of a well-organized plan, is only a sample of what Europe had to expect from the victory of this infernal doctrine. When a certain section of the press, especially abroad, now attempts, in accordance with political untruth adopted as

a principle by Communism, to identify the national renaissance in Germany with this outrage, this can only strengthen my determination to leave nothing undone in order to exact expiation for this crime by the public execution of the guilty incendiary and his accomplices.

The whole extent of the intended action of this organization has not been sufficiently realized either by the German nation or by the rest of the world. It was only by taking immediate action that the Government prevented a development the catastrophic results of which would have shaken the whole of Europe. Many of those both in and outside Germany who now associate themselves with the interests of communism out of hatred for the national renaissance would themselves have been the victims of such a development.

It will be the supreme task of the National Government to completely eliminate and remove this symptom in our country, not only in Germany's interest but also in that of the rest of Europe.

They will constantly keep in view the fact that it is not a question of the negative problem which these organizations constitute, but of carrying out the positive task of gaining the German workman for the national state. It is only the creation of a real national community, rising above the interests and differences of rank and class, that can permanently remove the source of nourishment of these aberrations of the human mind. The establishment of such a solidarity of views in the German body corporate is all the more important, for it is only thereby that the possibility is provided of maintaining friendly relations with foreign powers, without regard to the tendencies of general principles by which they are dominated, for the elimination of communism in Germany is a purely domestic German affair. The rest of the world may well have just as great an interest in it, for the outbreak of communistic chaos in the densely populated German Reich would lead to political and economic consequences of inconceivable extent, especially in the rest of Western Europe. The internal decay of our national life led inevitably to a more and more serious weakening of the authority of the supreme government. The decrease in the respect felt

for the Government of the Reich which was the inevitable consequence of such insecure internal conditions led, in the case of various parties in the different federal States, to conceptions that are incompatible with the unity of the Reich. All regard for the traditions of the federal States cannot brush aside the recognition of the bitter fact that the excessive disintegration of state life in the past was not only not helpful but really injurious to the position held by our nation in the world.

It is not the task of a supreme government subsequently to surrender to the theoretical principle of an unrestrained system of standardization what has grown up organically. But it is its duty to establish beyond any doubt this spiritual and generally desired unity of the leadership of the nation, and thus of the idea of the Reich as such.

The welfare of our communes and federal States has need of state protection just as much as the existence of every individual German. Therefore the Government of the Reich does not intend to abolish the local governments of the federal States by an enabling act. But, on the other hand, they will adopt those measures and will guarantee from now on and for ever a uniformity of political intentions in the Reich and the States. The greater the spiritual and generally desired unanimity, the less can it be in the interest of the Reich in the future to do violence to the cultural and economic life in the individual States. The recently prevailing state of a mutual disparagement of the governments of the federal States and the Reich, with the aid of the modern means offered by popular propaganda, is absolutely impossible. Under no circumstances will I permit, and the Government of the Reich will take all measures to prevent, that, in future, ministers of German governments ever again accuse or disparage each other in the eyes of the world at public mass meetings and even on the wireless.

It also leads to a complete discrediting of the legislative body in the eyes of the people, when, even if it be assumed that times are normal, the people is forced to go to the polls, either in the Reich or in the various States, almost twenty times in the course of four years. The Government of the Reich will find a way of reaching the goal that the expression

of the people's will when once given shall lead, for the Reich and the States, to uniform consequences.

A still more comprehensive

REFORM OF THE REICH

can only result from active development. Its aim must be the construction of a constitution combining the people's will with the authority of real leadership. The legal sanction to such a constitutional reform will be granted by the nation itself.

The Government of the National Revolution regards it in principle as its duty, in accordance with the vote of confidence given it by the nation, to prevent the exercise of influence on the structure of the life of the nation by those elements who knowingly and intentionally deny this life. Theoretical equality in the eyes of the law cannot be extended to the toleration on an equal basis of those who scorn the laws on principle, or indeed to surrendering the nation's freedom to them on the basis of democratic doctrines. But the Government will accord equality in the eyes of the law to all those who take their stand, in face of this danger, on the line adopted by our nation and behind the national interests, and who do not deny their support to the Government.

Our immediate task is now to call to account the spiritual leaders of these destructive tendencies, and to rescue their misguided victims.

We consider in particular the millions of German workmen who profess these ideas of madness and self-destruction merely as the result of the unpardonable weakness of earlier governments who did not prevent the dissemination of theories, the putting into practice of which they themselves were bound to punish. The Government will allow no one to deter it from its resolve to solve this question. It is now the business of the Reichstag, for its part, to adopt a definite attitude on this question. This will not affect the fate of Communism and of the organizations affiliated with it. The National Government adopts its measures in this respect from no other point

of view but that of protecting the German people, and especially the millions of the working classes, from untold misery.

It therefore regards the question of a

MONARCHICAL RESTORATION

as one which cannot be discussed at present, if for no other reason than the existence of this state of affairs. It would have to regard an attempt by the individual States to solve this problem on their own responsibility as an attack on the unity of the Reich, and act accordingly.

Simultaneously with this political purification of our public life, the Government of the Reich will undertake a thorough

MORAL PURGING OF THE BODY CORPORATE OF THE NATION.

The entire educational system, the theatre, the cinema, literature, the press and the wireless—all those will be used as means to this end and valued accordingly. They must all serve for the maintenance of the eternal values present in the essence of our nationality. Art will always remain the expression and the reflection of the longings and the realities of an era. The neutral international attitude of aloofness is rapidly disappearing. Heroism is coming forward ardently and will in the future shape and lead political destiny. It is the task of art to be the expression of this determining spirit of the age. Blood and race will once more become the source of artistic intuition. It is the task of the Government to take measures to secure that, especially at a time of limited political power, the inner life's value and will to live of the nation find all the greater cultural expression. This resolve obliges us to regard our great past with thankful admiration. A bridge must be constructed between this past and the future in all spheres of our historical and cultural life. Respect for the great men of the past must once more be impressed on the youth of Germany as a sacred heritage. The Government, being resolved to undertake the political and moral purification of our public life, is creating and securing the conditions necessary for a really profound

REVIVAL OF RELIGIOUS LIFE.

The advantages of a personal and political nature that might arise from compromising with atheistic organizations would not outweigh the consequences which would become apparent in the destruction of general moral basic values.

The National Government regards the two Christian confessions as the weightiest factors for the maintenance of our nationality. It will respect the agreements concluded between them and the federal States.

Their rights are not to be infringed. But the Government hopes and expects that the work on the national and moral regeneration of our nation which it has made its task will, on the other hand, be treated with the same respect. It will adopt an attitude of objective justice towards all other confessions. But it cannot permit that the fact of belonging to a certain confession or a certain race should constitute a release from general legal obligations or even a license for the commission with impunity or the toleration of crimes. It will be the Government's care to maintain honest coöperation between Church and State; the struggle against materialistic views and for a real national community is just as much in the interest of the German nation as in that of the welfare of our Christian faith.

OUR LEGAL INSTITUTIONS

must serve above all for the maintenance of this national community. The irremovableness of the judges must insure a sense of responsibility and the exercise of discretion in their judgments in the interests of society. Not the individual but the nation as a whole alone can be the center of legislative solicitude. High treason and treachery to the nation will be ruthlessly eradicated in the future. The foundations of the existence of justice cannot be other than the foundations of the existence of the nation. Let the judges therefore always pay regard to the gravity of the decisions taken by those who are responsible for forming the life of the nation under the hard pressure of reality.

Great are the tasks of the National Government in the

SPHERE OF ECONOMIC LIFE.

Here all action must be governed by one law: the people does not live for business and business does not exist for capital, but capital serves business and business serves the people. In principle, the Government will not protect the economic interests of the German people by the circuitous method of an economic bureaucracy to be organized by the state, but by the utmost furtherance of private initiative and by the recognition of the rights of property.

A just balance must be established between productive intention on the one hand and productive work on the other. Administration must respect, by means of economy, the results of ability, diligence and work. The problem of our public finances is also to no small degree a problem of economical administration. The proposed

REFORM OF OUR FISCAL SYSTEM

must lead to a simplification of assessment and thus to a reduction of the costs and burdens. In principle, the mill of taxation must be built beside the stream and not at the source. These measures must be accompanied by a reduction of burdens through simplification of the administration. This reform of the fiscal system to be carried out in the Reich and the federal States is, however, not a question which can be settled in a moment, but only during a period commensurate with the necessities of the situation.

The Government will systematically

AVOID CURRENCY EXPERIMENTS.

We are faced above all by two economic tasks of the first magnitude. The salvation of the German farmer must be achieved at all costs.

The ruin of this class in our nation would lead to the gravest conceivable consequences. The restoration of the

REMUNERATIVE CAPACITY OF AGRICULTURE

may be hard on the consumer. But the fate that would await the entire German nation, if the German farmer were ruined, is not to be compared with these hardships. It is only in connection with the remunerative capacity of our agriculture which must be attained at all costs that the question of protection against distraint or relief from indebtedness can be solved. Should that not be achieved, then the ruin of our agriculturists would lead not only to the collapse of German business as a whole, but above all to the collapse of the German body corporate. To maintain our agriculture in a healthy state is the first condition for the prosperity and expansion of our industry, of German home trade and of German exports. But for the counterpoise of the German agricultural class, the communistic madness would already have overrun Germany, and thus finally ruined German business. What the whole of business, including the export trade, owes to the sound commonsense of the German agriculturists cannot be repaid by any sacrifice of a business nature. We must, therefore, devote our greatest solicitude in the future to pursuing the back-to-the-land policy in Germany.

Furthermore, it is perfectly clear to the National Government that the final removal of the distress both in agricultural business and in that of the towns depends on the

ABSORPTION OF THE ARMY OF THE UNEMPLOYED IN THE
PROCESS OF PRODUCTION.

This constitutes the second of the great economic tasks. It can only be solved by a general appeasement, in applying sound natural economic principles and all measures necessary, even if, at the time, they cannot reckon with any degree of popularity. The providing of work and the compulsory labor service are, in this connection, only individual measures within the scope of the entire action proposed.

THE ATTITUDE OF THE NATIONAL GOVERNMENT TO THE
MIDDLE CLASSES

is similar to that adopted by them to the German agriculturists. Their salvation can only be achieved within the scope of the general economic policy. The National Government is determined to solve this question thoroughly. It recognizes it as its historical task to support and further the millions of German workers in the struggle for their right of existence. As Chancellor and National Socialist, I feel myself allied with them as the former companions of my youth. The increase of the consuming power of these masses will be an important means of furthering economic recovery. While maintaining our

SOCIAL LEGISLATION,

the first step must be taken for its reform. Above all, however, all working power will be utilized in the service of the nation as a whole. The waste of millions of hours of human labor is an act of madness and a crime that must lead to the impoverishment of everyone. Whatever values may be produced by the utilization of our superfluous man-power, they will represent indispensable vital necessities for millions of people who are now prostrated by misery and distress. It must and will be possible for our national talent for organization to succeed in solving this problem.

We are aware that the geographical position of Germany with her lack of raw materials does not fully permit of

ECONOMIC SELF-SUFFICIENCY

for the Reich. It cannot be too often emphasized that nothing is further from the thoughts of the Government of the Reich than hostility to exporting. We are fully aware that we have need of the connection with the outside world, and that the marketing of German commodities in the world provides a livelihood for many millions of our fellow-countrymen.

We also know what are the conditions necessary for a sound exchange of services between the nations of the world. For Germany has been compelled for years to perform services without receiving an equivalent, with the result that the task of maintaining Germany as an active partner in the exchange of commodities is not so much one of commercial as of financial policy. So long as we are not accorded a reasonable settlement of our foreign debts corresponding to our economic capacity, we are unfortunately compelled to maintain our foreign exchange control. The Government of the Reich is, for that reason, also compelled to maintain the restrictions on the efflux of capital across the frontiers of Germany. If the Government of the Reich is guided by these principles, we may certainly expect that increasing understanding abroad will facilitate the inclusion of the German Reich in the peaceful competition of the nations.

THE FURTHERANCE OF TRANSPORT

until a sensible balance is reached between all transport interests will be initiated at the beginning of the coming month by a reform of the tax on motor vehicles. The maintenance of the German Railways Company and its return to the hands of the Reich as soon as possible is a task imposed upon us not only as an economic but also as a moral duty. The National Government will devote its energies to the development of aviation as a means of peaceful communication between the nations.

In all these spheres of activity the Government requires the support not only of the general forces in our nation, which it is resolved to make use of to the greatest extent, but also of the devoted trust and work of the professional official classes. It is only in cases where the public finances are in dire need that intervention will take place, but even then absolute justice will be the supreme law governing our action.

The protection of the frontiers of the Reich and thereby of the lives of our people and the existence of our business is now in the hands of the Reichswehr, which, in accordance with the terms imposed upon us by the Treaty of Versailles, is to be regarded as the

ONLY REALLY DISARMED ARMY

in the world. In spite of its enforced smallness and entirely insufficient armament, the German people may regard their Reichswehr with proud satisfaction. This little instrument for our national self-defense has come into being under the most difficult conditions. The spirit imbuing it is that of our best military traditions. The German nation has thus fulfilled with painful conscientiousness the obligations imposed upon it by the Peace Treaty, indeed, even the replacement of ships for our fleet then sanctioned has, I may perhaps be allowed to say, unfortunately, only been carried out to a small extent.

For years Germany has been waiting in vain for the fulfilment of the promise of disarmament made to her by the others. It is the sincere desire of the National Government to be able to refrain from increasing our army and our weapons, in so far as the rest of the world is now also ready to fulfil its obligations in the matter of radical disarmament. For Germany desires nothing except

AN EQUAL RIGHT TO LIVE AND EQUAL FREEDOM.

In any case the National Government will educate the German people in this spirit of a desire for freedom. The national honor, the honor of our army and the ideal of freedom must once more become sacred to the German people!

THE GERMAN NATION WISHES TO LIVE IN PEACE WITH
THE REST OF THE WORLD.

But it is for this very reason that the Government of the Reich will employ every means to obtain the final removal of the division of the nations of the world into two categories. The keeping open of this wound leads to distrust on the one side and hatred on the other, and thus to a general feeling of insecurity. The National Government is ready to extend a hand in sincere understanding to every nation that is ready finally to make an end of the tragic past. The international economic distress can

only disappear when the basis has been provided by stable political relations and when the nations have regained confidence in each other.

FOR THE OVERCOMING OF THE ECONOMIC CATASTROPHE

three things are necessary:

1. absolutely authoritative leadership in internal affairs, in order to create confidence in the stability of conditions;

2. the securing of peace by the great nations for a long time to come, with a view to restoring the confidence of the nations in each other;

3. the final victory of the principles of commonsense in the organization and conduct of business, and also a general release from reparations and impossible liabilities for debts and interest.

We are unfortunately faced by the fact that

THE GENEVA CONFERENCE,

in spite of lengthy negotiations, has so far reached no practical result. The decision regarding the securing of a real measure of disarmament has been constantly delayed by the raising of questions of technical detail and by the introduction of problems that have nothing to do with disarmament. This procedure is useless.

The illegal state of one-sided disarmament and the resulting national insecurity of Germany cannot continue any longer.

We recognize it as a sign of the feeling of responsibility and of the good will of the British Government that it has endeavored, by means of its disarmament proposal, to cause the Conference finally to arrive at speedy decisions. The Government of the Reich will support every endeavor aimed at really carrying out generally disarmament and securing the fulfilment of Germany's long overdue claim for disarmament. For fourteen years we have been disarmed, and for fourteen months we have been waiting for the results of the Disarmament Conference. Even more far-reaching is the plan of the head of the Italian Government, which makes a broadminded and far-seeing at-

tempt to secure a peaceful and consistent development of the whole of European policy. We attach the greatest weight to this plan, and we are ready to coöperate with absolute sincerity on the basis it provides, in order to unite the four Great Powers, England, France, Italy and Germany, in friendly coöperation in attacking with courage and determination the problems upon the solution of which the fate of Europe depends.

It is for this reason that we are particularly grateful for the appreciative heartiness with which the national renaissance of Germany has been greeted in Italy. We hope and trust that the similarity of our spiritual ideals will be the foundation of a constant strengthening of the friendly relations between the two countries.

In the same way, the Government of the Reich, which regards Christianity as the unshakeable foundation of the morals and moral code of the nation, attach the greatest value to friendly relations with the Holy See, and is endeavoring to develop them. We feel sympathy for our brother nation in Austria in its trouble and distress. In all their doings the Government of the Reich is conscious of the connection between the destiny of all German races. Its attitude towards the other foreign powers may be gathered from what has already been said. But even in cases where our mutual relations are encumbered with difficulties, we shall endeavor to arrive at a settlement. But in any case the basis for an understanding can never be the distinction between victor and vanquished.

We are convinced that such settlement is possible in our relations with France, if the governments will attack the problems affecting them on both sides in a really broadminded way. The Government of the Reich is ready to cultivate with the Soviet Union friendly relations profitable to both parties. It is above all the Government of the National Revolutions that feels itself in a position to adopt such a positive policy with regard to Soviet Russia. The fight against Communism in Germany is our internal affair in which we will never permit interference from outside. Our political relations with other Powers to whom we are bound by common interests will not be affected thereby. Our relations with the remaining countries also de-

serve to receive our most serious attention in future, especially our relations with the great oversea states with whom Germany has long been connected by ties of friendship and economic interests.

We have particularly at heart the fate of the Germans living beyond the frontiers of Germany who are allied with us in speech, culture and customs and have to make a hard fight to retain these values. The National Government is resolved to use all the means at its disposal to support the rights internationally guaranteed to the German minorities.

We welcome the plan for a

WORLD ECONOMIC CONFERENCE

and approve of its meeting at an early date. The Government of the Reich is ready to take part in this Conference, in order to arrive at positive results at last.

The most important question is the

PROBLEM OF OUR PRIVATE SHORT-TERM AND LONG-TERM EXTERNAL INDEBTEDNESS.

The complete change in the conditions in the commodity markets of the world renders an adjustment necessary. It is only by trustful coöperation that a real removal of the general anxiety can be brought about. Ten years of honest peace will be more advantageous to the welfare of all nations than thirty years spent in fruitless discussion of the terms victor and vanquished.

In order to place themselves in a position to fulfill the tasks outlined above, the Government has had

THE ENABLING BILL

introduced in the Reichstag by the National Socialist and German National parties. Part of the proposed measures require the majority necessary for constitutional amendments. The carrying out of these tasks is necessary. It would be contrary to the spirit of the national renaissance and not meet the necessities of the case if the Government were to negotiate and ask

for the sanction of the Reichstag to their measures in each case. But in promoting this bill the Government is not actuated by the intention of doing away with the Reichstag as such. On the contrary, they reserve for themselves in future the opportunity of informing the Reichstag regarding their measures of obtaining its sanction.

But the authority and the fulfillment of the aforesaid tasks would suffer if doubt were to arise among the people as to the stability of the new regime. The Government of the Reich considers a further meeting of the Reichstag impossible in the nation's present state of profound agitation. Hardly ever has a revolution on such a large scale been carried out in so disciplined and bloodless a fashion as this renaissance of the German people in the last few weeks. It is my will and firm intention to see to it that this peaceful development continues in future.

Yet it is all the more necessary that the National Government should be given that sovereign position which, at such a time, is the only one suited to prevent a different development. The Government will only make use of these powers in so far as they are essential for carrying out the vitally necessary measures. Neither the existence of the Reichstag nor that of the Reichsrat are menaced. The position and rights of the President of the Reich remain unaffected. It will always be the foremost task of the Government to act in harmony with his aims. The separate existence of the federal States will not be done away with. The rights of the churches will not be diminished, and their relationship to the state will not be modified. The number of cases in which an internal necessity exists for having recourse to such a law is in itself a limited one. All the more, however, the Government insists upon the passing of the law. It prefers a clear decision in any case. It offers the parties in the Reichstag the possibility of a peaceful settlement and, consequently, of an understanding to be arrived at in the future. But the Government is equally resolved and ready to meet the announcement of refusal and thus of resistance.

It is for you, Gentlemen, now to decide for peace or war!

XXX

SPEECH OF CHANCELLOR HITLER

TO THE REICH COMMISSIONERS IN THE REICH CHANCERY,
BERLIN, ON JULY 6, 1933

The political parties have now been finally abolished; this is a historical event of which the importance and far-reaching effect have in many cases not yet been realized at all. We must now get rid of the last remains of democracy, especially of the methods of voting and of the decisions by the majority, such as still often occur in the communes, in economic organizations and in working committees, and lay stress upon the responsibility in all cases of the individual.

The achievement of external power must be followed by the internal education of the individual. We must therefore guard against making purely formal decisions from day to day and expecting them to lead to a final solution. Mankind are only too ready to make the external form fit their own mental conceptions.

Direction must not be changed until the right men have been found for the change. More revolutions have been successful at the outset than have, when once successful, been arrested and brought to a standstill at the right moment.

The revolution is not a permanent state of affairs, and it must not be allowed to develop into such a state. The stream of revolution released must be guided into the safe channel of evolution. The most important point in this connection is the education of the individual. The present state of affairs must be improved, and the men who incorporate it must be educated up to the National Socialist view of the state. We must therefore not dismiss a business-man if he is a good business-man even if he is not yet a National Socialist; and especially not if the

National Socialist who is to take his place knows nothing about the business.

**IN BUSINESS, ABILITY MUST BE THE ONLY AUTHORITATIVE
STANDARD.**

The task of National Socialism is to secure the development of our nation. We must not look around to see if there is still something to revolutionize, but it is our task to secure position after position, in order to hold them and gradually find the very best men for them. In doing so we must spread our action over many years and reckon with long periods. We cannot provide bread for a single workman by mere theoretical co-ordination. History will not judge us according to whether we have removed and imprisoned the largest number of economists but according to whether we have succeeded in providing work.

**WE HAVE NOW ABSOLUTELY THE POWER TO ENFORCE
OUR WILL EVERYWHERE.**

But we must be able to replace the men we remove by better men. The business man must be judged in the first place according to his business abilities, and we must obviously keep the business apparatus in order. We will not get rid of unemployment by means of business commissions, organizations, constructions and theories. It is not a question at the present of programs and ideas, but of the daily bread for five million men. Business is a living organism which cannot be transformed at a single blow. Business develops in accordance with primitive laws that are anchored in human nature. The spiritual bacillus carriers that are now attempting to find a way into business are a danger to the state and the nation. We must not reject practical experience because it is contrary to a certain idea. When we present ourselves to our nation with reforms, we must also prove that we understand things and are able to master them.

OUR TASK IS WORK, WORK AND NOTHING BUT WORK!

We will derive the most powerful authority from success in the provision of work. Our program has not been drawn up for the sake of fine gestures, but in order to maintain the life of the German nation. The ideas of the program oblige us not to act like fools and upset everything but to realize our trains of thought wisely and carefully. In the long run, our political power will be all the more secure, the more we succeed in underpinning it economically. The Reich Commissioners must therefore see to it and are responsible that no organizations or party offices assume the functions of government, dismiss individuals and make appointments to offices, to do which the government of the Reich alone and thus, with regard to business, the Reich Minister of Economics, is competent. The party has now become the state. All power is invested in the Reich Government. We must prevent the centre of gravity of German life being once more shifted to different quarters or even organizations. There is no longer any authority emanating from any one part of the Reich but only that based on the idea of the German nation as a whole.

XXXI

MEMORIAL TO CHANCELLOR HITLER OF TEN LEADERS OF THE CONFESSIONAL MOVE- MENT OF THE GERMAN EVAN- GELICAL CHURCH

[The Hitler government has naturally run into serious difficulties in endeavoring to bring the various religious groups into line. Both the Lutheran and the Catholic churches have opposed the intrusions of the state into their religious affairs. The Catholic bishops have protested the interferences of the government and the Lutheran pastors in the following memorial express their hostility to the actions of the authorities in preventing complete religious freedom.]

The German Evangelical Church, represented by the spiritual members of its provisional administration and by the council supporting it, offers to the Fuehrer and Chancellor respectful greeting.

The German Evangelical Church is closely associated with the Fuehrer and his advisers through the intercession that it makes publicly and in private for the people, the state, and the government. The provisional administration and the council of the German Evangelical Church consider, therefore, that they may undertake to give expression in the present document to the anxieties and fears cherished by many Christians in the communities, by the Councils of Brethren, and by the church leaders in regard to the future of the Evangelical faith and of the Evangelical Church in Germany, and on which they have meditated long and earnestly.

The provisional administration of the German Evangelical Church publishes this document in obedience to the divine

charge laid on it to hold forth His word and to bear witness to His commands fearlessly before all the world—even before the sovereigns and rulers of the peoples. It is confident that God accords it the wisdom to fulfill its task so clearly and so unequivocally that its solicitude concerning the Christian conscience and its love for the German people will be both unmistakably discerned.

In presenting these expositions, however, we know that we are impelled only by the one duty, as were our predecessors in office with their declaration of April 11, 1935, that unfortunately had no traceable effect, to help the suffering, confused and imperiled members of the Evangelical Church by mediating for them. It imports us all that the government of the Reich shall hear clearly and distinctly the voice speaking out of anxiety for the souls intrusted to the church.

The Lord of the church says: For what is a man profited, if he shall gain the whole world and lose his own soul? or what shall a man give in exchange for his soul? These words show how great and serious is the service required by God of the church, and they remind us at the same time of the limits set to all earthly powers and their strivings. They point out finally the danger constantly menacing unnumbered people, including members of the church.

I. DANGER OF DE-CHRISTIANIZATION

The provisional administration appreciates what it signified in the year 1933 and in later years that those responsible for the National Socialist revolution could declare emphatically that "In gaining our victory over Bolshevism we overcame at the same time the enemy that combated Christianity and the Christian churches and threatened to destroy them." What we now see, however, is that the Christian church is being combated actively and keenly by a section of the German people as it never was since 1918.

No power in the world, by whatever name it may be called, is able to destroy or to protect the church of God against His will; this is God's concern. It is the part of the church, how-

ever, to take up the cause of the consciences of its members that are attacked.

Many baptized Christians are menaced by the distress and confusion produced by the religious combats of the present day with temporal and eternal adversity. When even high authorities in the state and in the party publicly assail the Christian faith (see, among others, speech by Dr. Ley), church members who are already estranged from the church and its message are more and more enmeshed in their unbelief, the waverers and the doubters are made completely uncertain and are driven to defection. Grave danger, as a matter of fact, exists that the Evangelical youth will be prevented from coming to Him who is the only Saviour of German as well as of other boys and girls.

Against such an imperilment of members of the churches all church leaders conscious of their responsibility must offer strenuous resistance, and to this opposition belongs the clear question to the Fuehrer and Chancellor whether the attempt to de-Christianize the German people is to become the official policy of the government through the further coöperation of responsible statesmen or perhaps by simply looking on, letting things take their course.

2. "POSITIVE CHRISTIANITY"

We sincerely hope that in order to prevent the aggravation of the religious combats in Germany the government of the Reich will listen to what the Evangelical Church has to say. When the National Socialist party declared in its program that it stood on the basis of a "positive Christianity" the whole church population could not but understand and was intended to understand that the Christian faith, in conformity with the confessions and the preaching of the church, should be accorded freedom and protection in the Third Reich, and even help and encouragement.

Later on, however, authoritative persons in the state and in the party have given quite an arbitrary interpretation to the words, "positive Christianity." The Reich Minister for Propaganda

ganda and National Enlightenment, for example, declared positive Christianity to be merely humanitarian service, and joined to this interpretation occasionally an attack on the Christian churches and their allegedly inadequate achievements in the domain of Christian charity, although the state itself had considerably restricted them by its prohibitions since the year 1933.

(N. B.: Speeches by Dr. Goebbels in connection with the winter relief work, and on other occasions: "If the churches were animated by a real Christian spirit they would never have left it to the state to assist the poor in this winter against hunger and cold. . . . I believe that Christ Himself would discover more of His teaching in what we are doing than in this theological hair-splitting. . . . The people would perhaps better understand if the church concerned itself with true Christianity." . . .)

Then Herr Rosenberg, Reich organization leader, proclaimed his mystic doctrine of the blood to be positive Christianity, and, following his example, other notable party leaders defamed as being negative the Christianity as confessed by believers.

(N. B.: Rosenberg: "We recognize today that the central ideas of the Roman and of the Protestant Churches are negative Christianity, and do not, therefore, accord with our soul, and we see that they stand in the way of the organized forces of the nations following nordic-racial principles, that they have to make room for these forces, and that they must allow themselves to be transformed within the meaning of Germanic Christianity.")

(Letter from the 11th Brigade of the S. A. to the administration: "No positive Christian is to be dismissed from the S. A., but the negative Christians who, being bound up with medieval dogmas, are in discord with National Socialism, may be removed. . . . The negative Christian fights for the church, to the detriment of the people, he fights for the church dogmas, and in support of the lies of the priests, and thus for the devil. . . . To be an S. A. man and to belong to the confessional front of those who confess such a faith is absolute contradiction. . . . If we as positive Christians do not think so badly of our fellow men, we, nevertheless, secure ourselves against the intrusion of spies and of the elements of disintegration." . . .)

Other members of the Reich government have, under the cloak of positive Christianity, divested of their confessional character categorical conceptions of the Christian faith, such as belief, love, eternity, prayer, resurrection, and have given them a new, purely worldly, psychological interpretation. This has been done even by Herr Kerrl, Reich Minister for the Churches.

(N. B.: General Goering: "We have informed the church that we stand on the basis of positive Christianity. We have shown the church by our religious zeal, by the firmness of our belief, what faith really is." Reich Minister Kerrl: "That (the profession to positive Christianity) has nothing to do with dogmas, it is an independent faith, and is the love that is practical deeds, which enjoins on us to say: 'Lord, forgive them, for they do not know what they do.' The essence of National Socialism is faith, its deeds are love, and National Socialist positive Christianity is love for the neighbor.")

The harm done by such statements is all the greater as the church is never permitted the possibility to refute with similar publicity the misrepresentations of the Christian faith proclaimed from high quarters.

3. DESTRUCTION OF THE ECCLESIASTICAL SYSTEM

The methods by means of which the German people are to be de-Christianized will be understood in their full association when the statement by Herr Rosenberg, the Reich Organization Leader, is recalled, namely, that in the striving for a German faith "the opposing party must not be spared, it must be overcome intellectually, from the organization standpoint it must perish, and politically it must be kept impotent." (Mythus, page 636.) It is on this standpoint that action has been taken.

Officially, it is true, intervention in any form in the internal structure and in the religious life of the Evangelical Church is disclaimed.

(N. B.: Speeches by Reich Ministers Goering and Kerrl: "If in the course of the past two years there have been disturbances within the Evangelical Church these can have been caused only

by individuals, and never by the party as such and never by the state as such." Dr. Goebbels, Reich Minister for Propaganda: "When we preach the unity of the Protestant Church we do so because we consider it to be impossible that in a time when the whole Reich is united twenty-eight national churches can continue to exist. In this we are bringing no dogmas to bear, and we do not meddle with the interpretation of the Gospel. God's command in regard to the exposition of the Gospel should be placed higher than the command of human intermediaries. In the interpretation of political expediency we hold ourselves to be the instrument of God." Herr Hitler: "The party never intended and does not intend today to combat Christianity in Germany in any way whatever. On the contrary, it has endeavored to create a great Evangelical Reich Church by uniting impossible Protestant national churches, and without meddling in the slightest degree in confessional questions.") [At the party rally on September 11, 1935.]

As a matter of fact, one interference has followed the other until today since the elections forced on the church in July, 1933.

(N. B.: The most important of these interferences are: 1. The installation of the State Commissar in Prussia on June 24, 1933, and of State Commissars in Bremen, Hesse, Lippe, Mecklenburg and Saxony. 2. Ordainment of universal church elections by the law of the Reich, promulgated in July 15, 1933. 3. Speech by the Fuehrer in favor of German Christians, broadcast on July 22, 1933. 4. Prohibition to publish anything concerning church affairs by decree (unpublished) of the Reich Minister of the Interior on November 6 and 7, 1934. 5. Establishment of the State Finance Department by the Prussian law of March, 1935. 6. Establishment of an authority over resolutions by Reich law, in June, 1935. 7. The law of September 24, 1935, to secure the German Evangelical Church, and the church committees set up thereupon by the state.)

(Against individual clergy: 1. Arrest of the Bishop of Wurttemberg and Bavaria in 1934. 2. Conveyance of clergy into concentration camps, especially in Saxony and in Nassau-Hessen. 3. Expulsion of clergy from their parishes, at times from their

home province, especially in Prussia. 4. Arrest of 700 pastors (*Pfarrer*) in Prussia, in connection with the reading from the pulpits, ordered by the Old Prussian Synod in March, 1935, of the proclamation against modern paganism. 5. Permanent prohibition to hold confessional church services, clergymen and laymen forbidden to speak in public, in some cases over the whole of Germany. And others.)

The Evangelical public, who had been guaranteed freedom for the church by the Fuehrer just before the compulsory elections (N. B.: Telegram to the Reich President on July 12, 1933), could be informed only very inadequately concerning the progress of the church strife.

The so-called "Work of Reconciliation," that had started with the creation of the Reich Church Ministry and the setting up of the church committees, remedied, it is true, some abuses occasioned by state officials and members of the party and tolerated by the state.

The Evangelical Christian who looks more closely into the matter sees, however, that by means of this conciliatory work the church is kept in dependence on the state in regard to administration and finances, it is deprived of freedom of speech and of organization, and it is forced to tolerate the teaching of forced doctrine. For him it must be a severe shock to read in the preamble to the "Reconciliation" law of September 24, 1935, that there is no truth in the statement that disquietude prevails in the German Evangelical Church, and that interferences in church matters by the state are not really interferences, but services rendered by the state to the church.

This course of procedure by the state lays a burden that they can hardly bear on the shoulders of the Evangelical Church members who stand by the revealed word of God, who hold to their fathers' profession of faith, and who, because they do this, know what they, as Christians, owe to their people and its government.

4. DE-CONFESSIONALIZING

A movement has been started with the watchword "De-confessionalizing" or "to overcome the confessional disunion,"

which is intended to render impossible the public work of the church.

The Evangelical Church's own youth organization was long since taken away from it by an agreement between the Reich Youth Leader and the Reich Bishop, who was in no sense entitled to enter into such an agreement. Even the full rights accorded by that arrangement are frequently not permitted to the Evangelical members of the National Socialist Youth Organization.

The chief leaders of the organized youth and, following this example, all persons holding any post of authority in the organization continually hold up their church to the Evangelical youth as being contemptuous and suspicious, and endeavor to undermine the youths' faith in their religion. (N. B., among others: Chief district order 8-35 of the chief district of the girls' organization, dated December 5, 1935: "From this present date I forbid not only the girl and women leaders but also all girls to help in any form of confessional work" [helpers at children's services, etc.]. On the signboard of the Hitler Youth at Halle on the Saale: "Where are the enemies of our Hitler Youth? They are the religious fanatics, who still today fall on their knees with wistful looks directed upward, who spend their time attending churches and praying. We, as Hitler boys, can regard only with contempt or derision young people who still today run to their ridiculous Evangelical or Catholic clubs to give themselves up to eminently superfluous religious reveries." Baldur von Schirach, the Reich Youth Leader, on November 5, 1935: "Rosenberg's way is also the way of the German youth.")

While the state holds today officially to positive Christianity, its new organizations, such as the year on the land or the labor service, not only themselves provide no opportunity for pastoral work among the persons engaged in fulfilling that service, but they deliberately prevent any communication between the pastors of the parishes to which the young people belong. The pastors are refused permission to visit the members of their congregation, and are also forbidden to send them any Evangelical literature. (N. B. among others: Letter from the rep-

representative of the government [*Regierungs-Praesident*] in Breslau, dated October 22, 1935: "In reply to your letter of October 15, to camp-leaderess Schädel concerning the sending of religious literature, I inform you that the Reich and Prussian Minister for Science, for Training, and for the Education of the People emphasized in his decree that the sending of religious publications to persons who are serving their year on the land is forbidden.")

The circumstance that, for example, the Evangelical persons in a Labor Service camp were refused permission to attend a church service on Good Friday shows how far in some cases the de-Christianization has advanced. The regulations concerning the religious care of children in the year on the land speak a very clear language. The de-confessionalization of the schools is deliberately furthered by the state.

In violation of the rights of the church the confessional schools are being abolished, and in this respect the strongest pressure is brought to bear on the conscience of the parents. The course of lessons for religious instruction that has been approved by the authorities is frequently ignored, and in many places today essential portions of Biblical instruction are simply expunged from the religious course (Old Testament), or un-Christian material is put in its place (Old-German Paganism). (N. B. among others: Citation of a decree of the Ministry of State for Anhalt, against which the women of the German Evangelical Church have protested in vain.) Religious services in the schools and school prayers are neglected ever more frequently, or they are transformed to mark the de-Christianization even of the outer forms of scholastic life.

The education of the coming race of theologians in the universities is intrusted more and more to professors and lecturers who have proved themselves to be teachers of false doctrine; the destruction of the theological faculties in Prussia throws a strong light on this picture. The Ministry for Science and for the Education of the People has demanded the reinstatement of teachers of false doctrine as members of the examining boards of the universities. De-Christianization is in reality the de-confessionalization of public life, which suppresses ever more

and more Christian influence and Christian coöperation by means of the radio, the daily newspapers and of public lectures.

5. NATIONAL SOCIALIST VIEW OF LIFE

The National Socialist organizations require of their Evangelical members that these shall pledge themselves without any qualification or restriction to the National Socialist view of life. (N. B.: Ley, Labor Front leader: "The party claims the totality of the soul of the German people. It can and will not suffer that another party or point of view dominates in Germany. We believe that the German people can become eternal only through National Socialism, and therefore we require the last German, whether Protestant or Catholic.") This view of life is frequently presented and described as a positive substitute for Christianity that has to be vanquished.

When blood, race, nationality, and honor are thus raised to the rank of qualities that guarantee eternity the Evangelical Christian is bound, by the first commandment, to reject the assumption. When the "Aryan" human being is glorified, God's Word bears witness to the sinfulness of all men. When, within the compass of the National Socialist view of life, an anti-Semitism is forced on the Christian that binds him to hatred of the Jew, the Christian injunction to love one's neighbor still stands for him opposed to it.

The members of our Evangelical community have to submit to an especially severe conflict in their conscience when, in compliance with their duty as parents, they have to combat the penetration of these anti-Christian ideals in their children's minds.

6. MORALITY AND JUSTICE

We see with profound anxiety that a system of morality essentially foreign to Christianity is circulating among our people, and threatens to disintegrate it. We know perfectly well that in his speech on March 23, 1933, the Fuehrer acknowledged the moral importance of the Christian confessions for the life

of the people, but the power of the new morality has up to the present been greater than that declaration.

On all sides what is of advantage to the people is regarded as being good. (N. B.: From the paper read before the Juridical Congress at Leipzig, 1936, by Dr. Barth, leader of the department for legal policy in the National Socialist party:

"Reich Minister Dr. Frank established the legal-political principle that 'Right is what serves the people; wrong what is detrimental to them,' and in this principle are points of discernment of the innermost connection between the vital necessities of the nation and its consciousness of justice.")

With the knowledge of Herr Derichsweller, leader of the Reich Department, it could be declared that the expression "Positive Christianity" in Article 24 of the party program was used only in the manner in which the full truth is withheld from a person who is ill. Such an attitude places considerations of expediency above the truthfulness required in God's commandment.

This contempt of the command to be sincere and truthful, emanating from the spirit of a morality based on what is advantageous to the people, will be especially evident to the Evangelical Christian from the manner in which the church strife is officially represented (see above), from the treatment accorded to the Evangelical press and to the question of Evangelical assemblies, from the perversion of the idea of voluntariness to its opposite in connection with assemblies and with canvassing for entrance into organizations, etc.

The Evangelical Church welcomes with gratitude, in view of Christ's commands, in the Sermon on the Mount, the fact that the number of oaths in the law courts has dwindled under the dominion of the present state to a fragment. It must, however, deplore, as a fresh victory for the anti-Christian spirit, the fact that the oath is being applied to an alarming extent in swearing allegiance and as a pledge, and has thus depreciated in value to an alarming extent. Seeing that every oath in God's eyes is a declaration or assurance given under the eyes of God, even when God's name is not expressly used, the circumstance that many persons are made to swear one after the other at very

short intervals must rob the oath of its dignity, and lead to the profanation and abuse of the name of God.

Evangelical parents consider it to be absolutely intolerable that pledges of the nature of an oath are taken from their children at a very early age. (N. B.: The wording of the pledge given by the Hitler Youth: "I promise solemnly to be loyal to the Fuehrer Adolf Hitler and to serve unselfishly in the Hitler Youth. I promise solemnly to stand up at all times for the unity and comradeship of the German youth. I promise solemnly obedience to the Reich youth leader and to all leaders of the Hitler Youth. I promise solemnly by our sacred flag that I will always endeavor to be worthy of it. So help me, God.")

In the discharge of our Christian duties we hear ever more frequently of persons declaring that they did not feel bound by an oath which it would have threatened their very existence to refuse. The Evangelical Church would be able to combat more easily such a manner of thinking among its members that runs counter to the Christian requirement, if it were permitted to the Christian to give the natural explanation that no oath can cover proceedings that are contrary to God's commandments.

It has actually happened that earnest Christians, who, under God's will, were fully ready to work in obedience to their superiors, have been dismissed from their posts because they claimed the right to that explanation. It is thus very difficult for many officials to maintain an absolutely sincere attitude.

The value attached to the voting paper in the last Reichstag elections caused many Evangelical Christians pangs of conscience. That value is founded on the fact that the advantage of the people is placed above veracity. Evangelical Christians, who acknowledge sincerity in their decisions were ridiculed, or even maltreated.

Evangelical Christians are convinced, on the foundation of the Holy Scriptures, that God is the protector of the right and of those without rights, and so we regard it as turning away from Him when arbitrary dealing creeps into affairs of law, and things occur that "are not right before the Lord." To these things belong not only the many circumstances in the Church

combat, but also what is ultimately denial of justice by the institution and the demeanor of the Ecclesiastical Decree center. (The law of the Reich, dated June 24, 1935, concerning the procedure of the center in German Evangelical Church matters deprives church disputes of the right to judicial decision, and substitutes for this the decision of a political functionary, who, according to an authoritative member of the decree center, sets himself the task to promote political construction. This decree center has been in existence for a year and has not yet decided one of the seventy cases that have been laid before it. The persons concerned in these cases are thus practically deprived of legal rights.)

The Evangelical conscience, that shares the responsibility for the people and the government, is most heavily burdened by the fact that there are still concentration camps in Germany, that describes itself as a country in which justice is administered, and that the measures and actions of the secret state police are exempt from any judicial control. Evangelical Christians faithful to their confession whose honor may be assailed are often not accorded the protection of their honor that is afforded to the other citizens.

Evangelical Christianity sees in these matters also the danger of an anti-Christian spirit gaining the ascendancy over our moral and juridical reasoning.

We have endeavored to justify publicly the great anxiety felt in widespread Evangelical circles over the circumstances that authoritative forces in this country are prosecuting the suppression of the Evangelical Church, the disintegration of its faith, and the setting aside of the Evangelical morality, in short, de-Christianization on the widest scale. We cannot permit ourselves to be reassured in regard to this view of the state of affairs that we have arrived at on the basis of careful observations by the presentation of opposing statements and facts.

We beg the government of the Reich to consider whether it can be permanently beneficial to our people that the path hitherto taken shall be followed farther. The coercion of the consciences, the persecution of Evangelical conviction, the mutual spying and eavesdropping already exert a baleful influence.

Even a great cause, if it places itself in opposition to the revealed will of God, must finally bring the people to ruin. God's church will continue to exist, even if millions of Evangelical Christians sink under the endeavor to de-Christianize the German people. The German people have, however, not been given the promise that the poison of an anti-Christian spirit shall not harm them, even if they realize only perhaps after a long time that they have been defrauded of their best inheritance by those who took Christ from them.

Our people threaten to break down the barriers set up by God; they wish to make of themselves the measure of all things. That is human arrogance, that rises up against God.

In this connection we must make known to the Fuehrer and Chancellor our uneasiness over the fact that he is often revered in form that is due to God alone. It is only a few years ago that the Fuehrer himself disapproved of his picture being placed on Evangelical altars. His judgment is taken to be the standard unrestrainedly today not only in political decisions, but also in regard to morality and justice in our people, and he himself is vested with the dignity of the national priest, and even of the mediator between God and the people.

(N. B.: Dr. Goebbels on April 19, 1936: "When the Fuehrer addressed his last appeal to the people on March 28, it was as if a profound agitation went through the whole nation; one felt that Germany was transformed into one single House of God, in which its intercessor stood before the throne of the Almighty to bear witness. . . . It seemed to us that this cry to heaven of a people for freedom and peace could not die away unheard. That was religion in its profoundest and most mystical sense. A nation then acknowledged God through its spokesman, and laid its destiny and its life with full confidence in His hand." . . . See also Goering's speeches.)

We beg, however, that our people may be free to pursue their way in future under the sign of the cross of Christ, that our grandchildren may not one day curse the fathers for having built up a state on the earth for them and left it behind, but shut them out of the kingdom of God.

What we have said to the Fuehrer in this memorandum we

had to say under the responsibility of our office. The church is in the hands of the Lord.

The ecclesiastical members of the provisional administration of the German Evangelical Church. (Signed) Muller, Albertz, Bohm, Forck, Fricke.

The Council of the German Evangelical Church. (Signed) Asmussen, Lucking, Middendorff, Niemoller, Von Thadden.

XXXII

RACIAL THEORY AND NATIONAL SOCIALIST POLITICAL THOUGHT ¹

[The three following selections discuss in able fashion the various phases of National Socialist political thought.]

Simplicity and comprehensibility of propagandist appeal are sources of strength to all great political movements. For the Marxian doctrine of economic materialism, National Socialist political thought has substituted that of racial determinism. The "Aryan" or "Nordic" man replaces the abstract *homo oeconomicus*, and the antitheses of "higher races" and "inferior races" correspond to "exploiter" and "exploited." The *Volk*, which is conceived primarily as a racial community, is the starting point for political inquiry, and the state is relegated to a position of secondary theoretical importance. As a living, organic social unity conditioned by ties of *Blutgemeinschaft*, the *Volk* receives its legal organization in the state. It is claimed that National Socialism has alone, among the systems of political thought, fully perceived and realized the inner connection between the state and the national community (*Volksgemeinschaft*). Only a state resting upon the firm physical and spiritual foundations of common race may be termed a "*völkischer Staat*."

Since National Socialism is the *Weltanschauung* of the "heroic man," as Adolf Hitler has said, it can admit to its ranks only those who, by their race, are capable of "heroic action." In order to maintain its cultural and moral level, the German people must determine that only its highest racial element, the Nordic, shall be permitted to carry out its *Weltanschauung* and thereby to impress its character upon the state. National So-

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cialism "desires that the cultural and political leadership of our people should preserve the visage and expression of that race which, through its heroism alone and thanks to its inner gifts, has created the German *Volk* out of a conglomerate of elements."

This doctrine of the fundamental importance of race as the factor determining national culture and character, leads logically to the conclusion that the primary function of the state is to preserve the racial purity of the higher elements of the population. Thus viewed, anthropology and ethnology become the political sciences *par excellence*, the state recedes from the position of prominence which it has hitherto occupied, and *Volkstum* becomes the first concern of politics. "The 'völkische Weltanschauung,'" says Hitler, "recognizes the significance of humanity in its original racial elements. In principle, it sees in the state only a means to an end, and conceives its purpose to be the maintenance of the racial existence of man. It consequently believes in no way in the equality of races, but perceives, together with their variety, their higher or lesser worth as well, and feels itself obligated through this perception to claim the victory of the better and stronger, and to demand the subordination of the worse and the weaker, in conformity with the eternal Will which rules this universe."

The idea of race as the fundamental dogma of National Socialism has an undeniable political utility in an authoritarian state. It emphasizes the subordination of the individual to an entity higher than himself, which "existed already at a time not yet illuminated by the light of history, and . . . will exist at a time which our mind today is yet unable to conceive." In itself, the concept of the state tends to be a barren abstraction; founded upon "Blut" and "Boden" it becomes charged with values of a high emotional content. The individual feels himself to be merely a link in the great chain of race, and patriotic sentiment is reinforced by pride of blood and consciousness of a higher mission.

It will be noted that the above utterances, which testify to the complete acceptance of an extreme theory of racial determinism, are not those of irresponsible individuals, but repre-

sent the opinions of the present leaders of National Socialist Germany. With few exceptions, every leader has at some time given public expression to the views here described. A tremendous literature of a propagandist nature has sprung up about the race question, drawing its terminology and its inspiration from a rapidly growing body of scientific and pseudo-scientific discussion. The political terminology of the race question is employed with little regard for scientific accuracy. The term "Aryan," for example, which properly denotes a language-group, is the favorite word for describing that higher branch of the white race of which the Nordics form the *élite*. The Germans are spoken of as a "race," although it is admitted that they represent a mixture of the Nordic, Dinaric, Eastern, Falic, East-Baltic, Western and Sudetic races, with a small percentage of non-Europeans. Despite its lack of racial unity, the German people is held to constitute a *Blutgemeinschaft* by reason of the predominance, in numbers and importance, of the Nordic element.

It is not the purpose of the present article to attempt a criticism of the scientific foundations of the official National Socialist philosophy of race, nor to advert to the fate of the race theory at the hands of anthropologists in other lands. Since the political aspects of the doctrine alone concern us here, it seems preferable to permit its expounders to speak for themselves, without the addition of comment.

Racialism in National Socialist thought has both a positive and a negative side. Viewed as a positive doctrine, it is a theory of the racial determination of all human action and of the Aryan or Nordic monopoly of all higher cultural values. Upon its negative side it is merely anti-semitism. The development of the theory in recent years and its practical application under the Third Reich support the conclusion that its positive expression is merely a rationalization of the anti-Jewish feeling which has been the most distinctive feature of the National Socialist movement.

Racial doctrine in its positive form teaches us that the Aryan or Nordic is the sole race possessing the capacity to found states and create civilizations. Other races can at most be "cul-

ture-bearing" (Kulturträgende); they can never be "culture-creative" (Kulturschöpferische). "What we see before us today of human culture, of achievements of art, science and technology," Adolf Hitler has said, "is almost exclusively the creative product of the Aryan. This fact, indeed, permits the not unfounded conclusion that he alone was the founder of higher humanity in general, and, therefore, represents the prototype of what we understand by the term 'human being.' He is the Prometheus of humanity, from whose luminous brow sprang forth to all times the divine spark of genius. . . ." All the old culture-states owed their establishment to "Aryan men of Nordic blood," who produced all the higher values of their civilizations. Thus, a race of Nordic conquerors founded the culture of Greece, which flourished until the deterioration of the ruling race through inter-mixture with their inferior subject peoples led to its decline. The history of Rome is similarly interpreted as a struggle between Nordic patricians and non-Nordic plebeians. Its decline is dated from the concession of the right of intermarriage to the plebs. In all civilizations, as with the Greek and Roman, the sole cause of culture decline is to be found in the racial intermixture of the Nordics with the peoples among whom they settled. "Their greatness remained only so long as the Nordic blood was sufficiently strong and influential. But as soon as the sentiment and purity of blood . . . was lost, as soon as the alien was introduced, the downfall of cultures and states began and we can follow with consternation in the history of all times how the introduction of alien blood is accompanied by the deterioration of morals, of faith, of worth of character and of ethics, and how, thereby, the foundations upon which had once been erected the edifice of blossoming culture are irretrievably destroyed. . . ." In surrendering his racial purity the Aryan "lost the place in Paradise which he himself had made," Hitler states. "The intermixture of blood and the lowering of the racial level thereupon conditioned is the sole source of the perishing of old cultures, for men are not brought to ruin by lost wars, but through loss of that power of resistance which is proper only to pure blood. . . . Every defeat may become the father of a subsequent victory.

Every way lost may become the source of a later uprising, and from every oppression may come the forces for a spiritual rebirth—so long as the blood is kept pure."

The cultural cycle is completed when a decadent civilization is once more vivified by new Germanic blood. During the late Roman Empire, Dr. Frick states, the great majority of the population of Italy was composed of the descendants of oriental slaves. "The most profound significance of the Germanic migration of peoples lies in the fact that it infused fresh Nordic blood into the Roman world-empire, which had deteriorated as the result of its racial hotch-potch. Therefore, the new blossoming of culture in the Middle Ages was unfolded only in those lands in which Germanic peoples settled permanently. . . ." "If Germanism had not appeared in the world, the 'lasting night' of the chaos of peoples would have spread itself over Europe."

To the civilizing race of Nordic conquerors is contrasted the Jew, who is described as entirely destructive and parasitical. "The Jew," Hitler declares, "possesses no culture-forming power whatever, for idealism, without which there is no true higher development of man, does not exist in him, and never did." To his malign influence is attributed the French Revolution, liberalism, democracy, parliamentarism, pacifism, communism and the worst abuses of the capitalistic system—all preparatory steps in a deep-laid plot for the Jewish domination of the world. The general indictment is not confined to the political, economic, and social fields, but has been extended to religion as well. Hitler denies that the Jews possess any faith in the Aryan and proper sense, in that their "religion" is merely a practical guide for life in the "*Diesseits*," and not a preparation for the "*Jenseits*." "That the Jews represent a race of lesser value is subject to no doubt," one writer has stated. "A people whose 'holy writings' contain so many highly critical and, indeed, objectionable passages can be termed appropriately only as inferior. All the 'heroes' of the people of Israel . . . —whether they be patriarchs or judges or kings—what are they but mere traders, sensualists or atrocious barbarians?" Among the radical German-Christians there is a movement to reject

the Old Testament, to "Aryanize" Jesus, and to elevate the old Teutonic deities to the rank of religious figures. "The Saviour Jesus Christ," it has been declared, "could never have been a Jew by race, on account of his personality and teaching, which are Aryan-heroic through and through."

The spokesmen of the National Socialist anti-Jewish movement do not shrink before epithet. "It is no accident," Rosenberg says, "that the genius-heroic Siegfried type is the prototype of the German, and the swindler and legacy-hunter Jacob the ideal type of the Jew. . . . It is no accident that the representative of the conception of honor is a slender, tall, light-eyed, forceful man, but that the descendants of father Jacob are of a crooked, flat-footed, swarthy, crinkly-haired appearance." Another finds it significant "that Goethe gives Jewish features to Mephisto, and that Ibsen also represents the spirits of temptation, the trolls (in 'Peer Gynt') as Jews."

The distinction between Aryan and Jew, being grounded in race, is conceived as ineradicable. According to the National Socialist conception, the Jewish character is incapable of regeneration, and neither a German descent traceable for centuries nor possession of a sense of German nationality can transform a Jew into a *Volksgenosse*. The demand that Jews be excluded from all responsible positions in public life is for National Socialists "so self-evident as to require no further explanation," Gottfried Feder states. "Whoever sees in the Jew only 'a German citizen of Jewish faith'—and not an alien, firmly-excluded people of pronounced parasitical tendencies—cannot understand the indispensability of this demand. Whoever states that a kohlrabi which has grown up by chance in a strawberry-patch is a strawberry-plant, or who believes that he is able to gather strawberries from it by talking, deceives himself, as does he who believes that a young lion, thrown into a flock of sheep, will grow up as a sheep."

* * * * *

The ultimate solution of the problems raised by the anti-semitic policy of the National Socialist Government will test the statesmanship of the new régime. The question cannot be

merely an internal one, and a government which desires to improve its international standing can hardly continue to ignore the fact that its rigorous execution of a policy which has brought hardship to a considerable section of the German population has created abroad a profound distrust of National Socialist aims and methods. "The world," Justizkommissar Dr. Frank has stated, "speaks today of the few Jews who have been expelled from their positions; it never speaks of the thousands and millions who have been driven to distress and suicide through these very persons." Such a summary disposal of the problem, typical of the negative approach prevalent in Germany at the present time, is scarcely convincing to a world opinion which doubts the validity of the premises underlying the race legislation, and sees in it a confirmation of many of its former suspicions as to the methods and spirit of German government.

XXXIII

NATIONAL SOCIALISM: THEORY AND PRACTICE ¹

Konrad Heiden says that National Socialism is a union of causes rather than aims, and certainly the present form of government in Germany is unimaginable without the history of the last twenty years. The Great War immensely furthered the popular sense of unity, and augmented German national consciousness. Versailles, created in the midst of Europe a nation with an acute sense of grievance. The early attempts to enforce the Treaty without modifications resulted in the inflation, which had serious social and eventually political consequences, for it impoverished the middle classes and accelerated the concentration of capital. The second period of attempted fulfillment, plus rapid industrial reconstruction with borrowed money, resulted in a huge public and private indebtedness, largely to outside banks, and eventually slumped into the depression.

All of these things together created a revolutionary situation which in 1929 was obvious to the blindest observers. Furthermore, the revolution was ripe along many fronts. The German Republic had occurred, historically, about sixty years too late. It set up a parliamentary democracy at a time when liberal democracy was being challenged in its historic strongholds, and the new state was without *élan* from the beginning. To no single group in Germany—unless for a time to some of the industrialists—did it unqualifiedly represent a desirable ultimate form of state. The largest single party, the Social Democrats, who represented the organized workers and part of the intellectuals, and were the Republic's strongest supporters, looked forward to a socialist commonwealth, and realized that they were continually compromising; while the old feudal classes sabo-

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tagged the Republic from the beginning. Saddled at the outset with crushing defeat at Versailles, it was associated in the popular mind with misery and humiliation. From being a result of the lost war, it came to be regarded as the cause of the lost war. Liberalism became synonymous with defeatism, and parliamentarism with weakness and disorganization.

The German Republic, too, was forced—or so it thought—to present a mien of misery for the benefit of the outside world as long as there were reparations to pay. Objective foreign observers were always convinced that these complaints were exaggerated. The progress in rebuilding Germany under the Republic was prodigious. Professor Angell has called it one of the miracles of history. But reconstruction was not propagandized. The *Europa* was not launched with demonstrations of joy; the remarkable civil aviation service was not sold to the German people as evidence of recovery. Any foreign journalist who reported that Germany was rapidly overtaking the rest of Europe in technical development was regarded as anti-German.

Long after the rest of the world, under the influence of such dispassionate historians as Professor Gooch and Professor Fay, had concluded that responsibility for the war was pretty generally distributed, Germans themselves were still buried in morose broodings over the War Guilt Lie. A genuine national grievance gradually was exaggerated beyond all reality into an *idée fixe*, and became the outstanding characteristic of the German mind. It tended eventually to encompass all other grievances. To bring this about all parties coöperated, even the communists, who were amongst the first to call Germany a coolie of foreign imperialism. Hitler took over this argument bodily and urged his audiences: "Free yourselves from International Finance! Only when Germany is strong again will you be free!"

The German capitalists, of course, were not averse to having anti-capitalistic tendencies diverted abroad, especially as internal tensions were increasing. Wartime economic development plus the inflation had accelerated the natural tendency of capitalism towards concentration of ownership and control, and the workers, most of whom were Social Democrats, accepting the Marxian doctrine of historic inevitability, did not use their

power to hamper this tendency. Meanwhile they protected themselves against it by strong trades union organizations, and a mighty political party. It thus came about that German economic life was run largely by a combination of big business and trades unions, between which upper and nether millstones the unorganized workers, small business men, white collar men, the *rentier* class and later the unemployed, were gradually choked. The inflation accelerated the process by destroying the savings of the small business man and leaving him without resources of credit, and the rapid rationalization of big industry, while it brought about a phenomenal rebuilding of the production machinery, created technological unemployment and put industry itself in debt to the banks, domestic and foreign. The depression gave the *comp* to the whole development. A great new class had been created: the class of the unemployed worker, whose social insurances gradually depreciated into a miserable dole, the broken small capitalist, the civil servant who was taking one pay cut after another, the indebted peasants, and finally, the whole youth for whom no future was in sight. It was this group, of diverse elements, which the Nazi movement was to make the fulcrum of its revolution.

This class looked for salvation, not to the power of ownership nor yet to the power of economic pressure through organization, but directly to the state.

The conquest of the state was the more important because it was rapidly becoming the holding company for the whole economic system, due to the fact that economic *losses* were being socialized as rapidly as possible by all groups powerful enough to lever something out of the government. For the working classes, not the insurances but the budget became the chief source of social ameliorization as the insurance funds were exhausted by abnormal demands. By 1932 more than fifty per cent of the German banks had been salvaged by the government. The state had been forced under political pressure to save the estates of the great landowners from their creditors. By 1933 a serious crisis had occurred amongst the heavy industrialists. The first outward sign had come earlier, under the Brüning government, in the case of Friedrich Flick. Flick was

the actual owner of the largest heavy industry in western Germany (United Steel), and finding himself in difficulties had threatened to unload a huge block of shares to the French. To prevent this, the Brüning government, which by no stretch of imagination could be called socialistic, had intervened by government purchase, the state thus becoming the owner of one of the largest mining concerns in Germany, while the directors carried on as before. For exhausted capitalists this was a kind of socialism they could understand!

II. HITLER'S ECONOMICS

Although it was the economic situation which caused the growth of Hitler's movement, Hitler himself appears to have had little interest in economic factors. Ideologically, the National Socialist movement is the child of the *Völkische Bewegung* (literally, folk movement) and the Fatherland Societies, and it got its first real leg-up (and its last) from the German Reichswehr. The Reichswehr, like most armies, was divorced from economic life, and the Folk Movement did not think in economic terms. The most amazing thing about Hitler's "My Battle" is the almost total absence from its pages of any consideration of the economic structure of society.

Not Hitler, but the Munich engineer, Gottfried Feder, formulated the first economic platform of the National Socialist Party. Hitler's personal utterances often seem at variance with this program, which advocates limited state capitalism, whereas Hitler often expressed himself for *laissez-faire*.

Hitler's deficiency in economic analysis is doubtless largely due to his obsession with the Jewish question, which cut clear across his economic thinking. Very early in his political career he had come upon Rudolph Jung, leader of the Bohemian National Socialists, and it appears that it was largely from Jung—who was otherwise more radical than Hitler—that he got his conception of the economic rôle of the Jews. Jung insisted that the internationalism of socialism and capitalism were both due to Jewish leadership, and that the evils of both were in the Jewish cast of economic thinking, both of workers and

employers. To Hitler the implications were apparently simple: get rid of the Jews, and you get rid of "bad" capitalism as well as "bad" socialism.

Feder did not see the matter quite so simply. He saw, at least, that Finance Capitalism could not be dismissed merely by calling it Jewish. He made a fine distinction between *raffendes* (exploitive) and *schaffendes* (creative) capital. Feder's attacks were launched against the German Wall Street. He it was who created a radical economic platform for the small business man, a sort of German version of American populism.

The clearest exposition of the economic aims of National Socialism is contained in a pamphlet issued as a speakers' manual for the July 1932 elections, and called "Immediate Economic Demands of the N.S.D.A.P." It deals with both general aims and specific plans, the latter largely confined to work-creation programs to combat unemployment. It asserts as a fundamental principle that labor, not capital, is the source of all wealth, demands the immediate nationalization of banks and all monopolistic industries and trusts, immediate departure from the gold standard, government credit expansion, dissolution of department and chain stores, the increase of small land-holdings, and an immense program of government housing. Minimum immediate demand: 400,000 workers' homes with sufficient land for agricultural production. It demands complete state control of foreign exchange, autarchy (except for basically necessary imports not obtainable at home), and the absorption of the export slack in a richer home market. It admits the impossibility of this except as the worker receives an "adequate wage for his toil."

This is state capitalism, which, as such, had few disinterested opponents in Germany. As we have seen, Junkers, bankers, industrialists and workers had all been pushed towards state capitalism by the necessities of their systems. The issue was not whether there would be state capitalism, but what social groups would control it and in whose interests it would be administered. The National Socialist program, although it repeatedly denounced the class struggle, clearly was concerned with the interests of the smaller business man and the German worker.

It openly admitted a maldistribution of wealth, and proposed its redistribution. So much for Nazi economic theory.

III. THE "FOLK" IDEA

But the fundamental ideology of National Socialism was not economic at all. The folk movement, out of which it grew, had its conscious origins in the latter part of the nineteenth century, and among its spiritual fathers were Nietzsche, Paul Lagarde, Houston Stewart Chamberlain, Gobineau, and Richard Wagner. The teachings of these men had had a considerable influence on the high schools and universities just before the war, and were reflected in numerous political movements and societies. The folk movement put the main emphasis upon race. If for Napoleon politics were Destiny, and for Walter Rathenau economics were Destiny, for the adherents of the folk movement race was Destiny.

This movement set itself clearly against the economic interpretation of history, which according to its theorists is a biological process, emerging from the struggle between races, and civilizations have been built by the conquest of inferior by superior peoples. The decline of western power, they taught, was due to biological degeneration, due to intermarriage between superior and inferior peoples (Jews!); to humanitarianism, which kept alive the unfit; to untrammelled industrialism, which had drawn the race away from the source of all its strength, the soil; and to the enfeebling effects of pacifism. These theorists divided the peoples of Europe into various races and took account of their physical and mental characteristics. The aristocrats amongst Alpines, Mediterraneans, Dinarics, East Baltics, and Jews (who according to Nazi anthropology are not a race at all but a parasite nation) were the Nordics. The original Teutons had been Nordics; the stock had declined, and with it the characteristic Nordic mentality and genius. Finally, most of the world had become enslaved to social forms designed by an alien people—the Jews. To free the Germans from alien domination and forms, to rehabilitate the German race, and to

make a society expressive of essential historic racial characteristics was the aim of the folk movement and is still the avowed aim of the Nazi Party. It has expressed itself in rules for certain classes (S.S. men, for instance) who are forbidden to marry Jews and whose brides are subject to eugenic inspection; and in laws for the sterilization of criminals and the congenitally unfit.

The folk movement was anti-Semitic, anti-industrial, unworldly, anti-clerical, anti-cosmopolitan, and strongly nationalistic. In its more idealistic form it influenced the Youth movement, with its anti-industrialism and a picture of the coming superman; in its more common form it was the primitive anti-Semitism of the peasant toward the Jewish village storekeeper, to whom he was often in debt. It always had its mass following chiefly amongst students and among the less urban, but it was the half-instinctive background of a great deal of hundred-percent Germanism. Its leaders denounced both liberal democracy and Marxianism on the ground that they represented "Jewish" materialism; but actually the Folk movement is in itself—as the Christian church was quick to observe—highly materialistic, since it makes *Geist*, mind and spirit, purely biological by-products.

In the chaos immediately following the war numerous political groups dominated by the Folk idea emerged. Most important amongst them were many semi-military free-booters' organizations, subsidized in part, and secretly, by the Reichswehr. It was Hitler's first great political strategy to obtain the leadership of these groups and fuse them into a single movement, and eventually into a powerful political party. The process took him years.

IV. FOLK IDEAS AND FOREIGN POLICY

If the engineer, Gottfried Feder, was the parent of Nazi economics, Hitler himself, Alfred Rosenberg, the Baltic journalist, and Professor Hans F. K. Guenther, the anthropologist, were the chief apologists of Nazi racialism. Rosenberg's rôle was portentous, because he built Folk ideas into a substructure

for Nazi foreign policy. Today he is the Party's "director for German Intellectual and Philosophical Enlightenment," leader of the Party's foreign office and editor of the most powerful party journal, the *Völkische Beobachter*. He was known to be Hitler's choice for Foreign Minister.

Rosenberg, who comes from Estonia, and was officially Russian during the war, is in his foreign policy rather more White Russian than German. He was chiefly responsible for seizing on the racist idea as another basis for an anti-Russian policy. According to Rosenberg and Hitler, Russian communism represents the conquest of Europe by Asia. The elements of population destroyed by Russian communism—bourgeoisie and aristocracy—were the European, or Germanic, elements. Communism is the triumph of Jew, Mongol, and Tartar. The destruction of Bolshevism is therefore a mission not in behalf of capitalism, believed by the Nazis to be in its dotage, but for the whole White Race. Inside his premise Rosenberg argues quite logically. If history is a struggle between races, with destiny on the side of the Nordics, then Germany must seek allies amongst those countries which most closely approximate the race ideal, and Rosenberg envisages a great German-Scandinavian-Dutch-British alliance, in a movement which will eventually drive Russia back into Asia and "liberate" the Ukraine to become a granary for Germany. Neither Rosenberg nor Hitler ever proposed an "aggressive" war against Russia. Their wish-dream is that Russia will become involved either in international difficulties (war with Japan) or internal troubles, which will furnish an excuse for "intervention" in the manner of the United States in Central America or of Japan in China.

An alliance with Britain is the most important premise in Rosenberg's program. France is rejected on racist grounds, because she "had brought the negro to the Rhine." Imperialism in the usual sense of the word is also rejected, both because colonies abroad would probably endanger the future British alliance and because settlements of people in far-off lands dilute racial energies and pollute pure racial blood. Rosenberg's and Hitler's imperialism is of the Manchukuo variety. Hitler draws a distinction between "financial imperialism," for capitalistic

exploitation, and "room expansion," the object of which is land colonization and to find a vent for creative energies. Nazi literature, like Japanese, is full of complaints at the injustice of a nation of sixty-five millions being bottled in a small territory, while Britain, France, and even Holland rule empires. This condition can, according to Hitler, be corrected only by some sort of expansion in contiguous territories, the first step being to unite all Germans within the Reich. This then immensely powerful nation, pressing out on all frontiers, can either conquer or dominate the rest of Central and Eastern Europe.

Hitler maintains, and not without some justice, that the domination of the small Eastern European countries by France amounts to financial vassalage and that it has no basis in the real economic interests of these countries, whose business and culture link them rather to Germany. Austrian independence, he is wont to assert, is a misnomer, because it rests upon French loans and Italian bayonets. Yugoslavia, Rumania and Hungary have more to expect from a powerful Germany than from France. About Czechoslovakia less is said publicly, but privately the Nazis predict its certain doom. A nation of 14,000,000, over 3,000,000 of them Germans, besides half a million Magyars and a large block of Ruthenians (Little Russians), could not hope to continue its existence surrounded by renaissant Germany linked to Hungary and allied to an independent Ukraine. Its fate would be Poland's under Frederick the Great.

The weapon with which Nazi theorists hoped to accomplish this end was revolution. In the smaller countries the Nazis envisaged German minorities, organized into powerful Nazi cells, springing open the state from within, under the revolutionary cry: "National Socialism and Freedom from International Financial Domination." The addition of Austria to Germany would bring the revolution to the doors of Hungary, whose present premier, Julius Gömbös, is a former leader of the Awakening Hungarians, and whose soil has been well prepared for Nazi ideas. The anti-French element is strong in Yugoslavia and was certainly one of the factors indirectly connected with the assassination of King Alexander. The Iron

Guard organization in Rumania is strong and has all along been in touch with the Nazis.

Essential to the success of this program, however, would be a Germany militarily strong enough to risk warfare. She would call it *defensive* warfare—that is to say, defense of what she considers a perfectly legitimate program to be achieved by revolutionary means. Germany's conception of equality is the power to secure domination in Central and Eastern Europe as France secured hers: by economic and financial pressure backed by military power, with the difference that in one case the military power was put at the disposal of the various governments concerned while in the other it would be used to force those governments into line.

This Nazi policy does not greatly differ from those of previous governments. Under the Nazis it becomes more immediate, because it is supported by a social-revolutionary program and open and speedy armament on a vast scale. Hitler does not consider it incompatible with peaceful protestations. Leave him alone, he thinks, and he can carry it out without war. That is all.

V. GERMANY AS A WAR-TIME ECONOMY

The two outstanding characteristics of the German mind since the war have been, first, a sense of national grievance, and second, a declining faith among all classes in liberal capitalism. National Socialism fused the two in the conception of Germany as a "coolie" nation, exploited like any colony, by foreign financial imperialism and military power. It made the liberation of the German nation synonymous with social liberation. Its historic rôle was to put German social radicalism behind German militarism, to hail German militarism as the means of achieving a new society.

The form of state bound to emerge under these circumstances was precisely what has emerged, a war-time economy. The German social revolution has become crystallized in full swing at a certain point: it is held in suspension by a program directed outwards. Internal economic revolution has not been

achieved but postponed, and the German people are being prepared to fight for it before it exists.

The form which the revolution took is the key to what its essence really is. The Nazi revolutionaries fought for complete control of the state. Many of them looked forward to genuine revolution—to quote John Chamberlain's excellent definition, change in structure and aim. Actually what has been built up by Hitler is not a Nazi revolutionary state but the totalitarian state, which is not the same thing. The most consistent Nazi revolutionaries knew this, hence all the talk of the second revolution and the actual Thermidor of June 30, 1934, when the idea was scotched by a preventive massacre. The technique used by Hitler has not been re-organization but *gleichschaltung*: coördination, the switching of everything into line, with change in direction and control determined, not according to any revolutionary principle, but entirely personally and pragmatically. In fact, the form of social and economic organization prevailing in Germany under the name of National Socialism is one so familiar that only the incongruity of the absence of actual armed hostilities prevents its being recognized immediately for what it is: the characteristic organization of a country in a state of war. It has complete centralization of authority. This extends to control over economic life and public opinion; strictures on capital and labor inside an enforced social truce; cultivation of like-mindedness by propaganda, and enforcement of it by ruthless terror; elimination of "questionable" elements; internal espionage and death sentences for forms of espionage usually treated lightly in peace times; glorification of sacrifice and heroism as prime virtues; relegation of culture to a secondary place; mass worship of youth; militarization of religion; organized inspirationalism; conception of world mission; civil dictatorship in the interests of a military machine. These are the characteristics of any social economy in time of war, and these are the characteristics of National Socialism in practice.

That a prodigious social effort of this sort, directed outwards, is accompanied by an intensification of national emotion and

sense of purpose, and releases not only disgusting brutality but also reserves of personal heroism and social idealism, is also characteristic of all nations at war. Psychologically speaking, war is the intensification of the erotic instinct in the service of death, and perhaps this is what Hermann Roechling, the Saar industrialist, meant when he said: "National Socialism is founded on love."

Although it seems natural that Nazi policy, by its emphasis upon subjection to outside imperialism, and consequently upon militarism as the clue to the internal social problem, should have taken this line of development, this dénouement was certainly not foreseen by the masses of people who supported it. If they had, they would have realized that the "immediate economic aims" were unrealizable. A nation preparing to throw off a foreign yoke does not begin by disorganizing its key industries by revolutionary measures. The chief concern of the National Socialist state is not, to be sure, production for profit, but neither is it production to raise the living standard of the masses. Its chief concern is production for war.

The great monopolies, trusts, and banks, whose nationalization was a fundamental of the Nazi program, have not been nationalized. On the other hand, complete state control of foreign exchange, and therefore of foreign trade, has been put into effect and profoundly affects the conduct of industry. But this kind of nationalization has changed neither the ownership nor direction of trusts; it has merely become the control exercised by the chief customer, the state, or better said, the army. As chief customer, the state does to a degree dictate prices, but that it permits profits is illustrated not only by the rise in the quotations of the shares of heavy industry, but by a new law whereby trustified industries are compelled to invest all profits over six percent in government bonds. By this process the state, having refinanced the corporations as creditor and customer, will eventually become their debtor. What the taxpayers are getting for their money and credit is neither increased buying power in the form of higher wages, nor cheaper kitchen stoves, bathtubs and houses, but airplanes, tanks, and

artillery. They are, to be sure, getting cheaper automobiles—and every man who buys one is immediately enrolled in a motor transport corps.

Immense state interference in industry has occurred. Some solvent businesses have become indebted because of state decrees that they must change from the producing of this to the producing of that. Export industries have suffered a shortage of raw materials because available foreign exchange has been accredited chiefly to the industries producing munitions. But this interference has occurred, not for social but for military considerations. The tendency has not been to dissolve the trusts but to increase their range; and in view of the lack of a real social guiding principle, those concerns and individuals have come off best which have been able to bring pressure on the government, either through personal connections or party contributions.

One need only examine the history of the attempts to "co-ordinate" the employers' organizations and compare them with the fate of the middle class and workers' organizations to see where the real power lies. In the days immediately following the Nazi election success in March 1933, some attempt was made by the Nazis to usher in the corporate state. Dr. Robert Ley conceived of the new state as resting upon labor and attempted to capture the trades unions. Dr. Rentelen, a former Youth Leader, wished to assure chief power to the Chambers of Commerce, once he had captured them from within for the Nazi middle-class organization called the "Fighting Front of Industrial Middle Classes." At the same time Dr. Otto Wagener, who has become Hitler's chief economic adviser, set about coördinating the Employers' Organizations, and putting them under Nazi control. Whereas Rentelen and Ley both succeeded in dominating the groups they set out to subject, Wagener's endeavors ended in such fiasco that he was removed from his post and several of his collaborators were removed to concentration camps.

Originally both the Trades Unions and the employers' organizations reserved their attitudes towards the new government until they could see what it intended to do. Dr. Wagener

replied to the coolness of the employers' organizations by demanding the resignation of many members of the boards, these to be replaced by loyal Nazis of his own choosing. Protests to the government were immediate, energetic and successful. The employers' associations did, to be sure, switch into line, but they switched in their own way, under their own leadership, and according to their own interpretation of what the line was. The first government movement against the great trusts ended with one of the great industrialists as dictator of the whole of Western German industry.

The Nazi organization, "Fighting Front of Industrial Middle Classes," organized in 1932 as the instrument to effect middle class liberation, did capture control of the Chambers of Commerce, but Hitler promptly abandoned the idea of the corporate state, and later Dr. Ley of the Labor Front dissolved the organization.

The capture of the Trades Unions was the single bold revolutionary movement launched by the Party against a powerful economic group. The action of the Storm Troopers in occupying the Trades Union headquarters, in confiscating their funds and dissolving their executives, was pure revolution undertaken after attempts to capture the leadership, by the medium of Nazi cells within the various unions, had failed. But the unions originally promised exactly as much coöperation with the Nazi state as the employers had offered. They were prepared to coöperate with the government on the same terms which the employers actually obtained. Nevertheless, they were taken over, completely reorganized, castrated, and made, not a function of government, but an appendage of the Nazi Party.

Actually, many of the more enterprising Nazi cell leaders in the unions were sent to concentration camps; Ley's dreams of making the unions the base for a state edifice failed; and the real power passed to "Trustees of Labor" appointed by the Chancellor to "protect" the interests of the workers according to standards determined by the state in collaboration with Big Industry. What this amounts to is industrial feudalism as benevolent as is compatible with the aim of building a huge army, supporting a tremendous bureaucracy, and protecting the

profit system. What conquests of capitalistic enterprises have been made—for instance, of the great Jewish publishing houses, Ullstein and Mosse—have not been made for the benefit of German workers. And it needed only the threat of liquidation from the strongest Jewish banking house in Germany to obtain a hands-off policy.

VI. REORGANIZATION OF AGRICULTURE

In the reorganization of agriculture there is perhaps less disparity between Nazi theory and practice. At any rate, agriculture has come under a far more rigorous state control than industry. The "Immediate Aims" asserted that the small-holding was the basis of Nazi agricultural economy and demanded that it be favored at the expense, if necessary, of the great estates. Agriculture was to be protected by import prohibitions, and the industrial worker, too, was to become part of the productive system by settling him in state-constructed homes with large gardens. There was to be a radical reduction of interest rates to farm borrowers, and land was to be confiscated without compensation for communal purposes.

In 1928 Hitler had added a footnote to the paragraph in the Nazi program recommending confiscation of land, and defined it as legal measures to be taken for the recovery of land unjustly acquired or administered in a manner incompatible with the welfare of the people. The measure, he added, was chiefly directed against speculative Jewish real estate corporations. This drew the teeth in the original program, but it was considered necessary before Hitler came into power, and under governments theoretically less peasant-minded than Hitler's (those of Brüning and Schleicher), to cease holding intact the great estates of Eastern Germany through government subsidies. Under Hitler, the estates have not been broken up, but have been supplied with Nazi youths in the place of former Polish laborers. The attempts of Walter Darré as head of the Nazi Agricultural Association to reduce rates of interest on farm loans to two percent encountered opposition from Reichsbank President Dr. Schacht, and from the first Minister

for Economics under Hitler, Dr. Schmitt. Dr. Hugenberg, who was the first Minister for Agriculture under Hitler, tried to increase agricultural prices but found it more difficult than he expected. When he was succeeded by the more radical Walter Darré, the government moved towards complete dictatorship of prices, acreage, and crops. Darré hoped that the great estates would release land for settlement; but, salvaged by Hugenberg, they took a new lease on life, and actually there has been very little land on the market.

Darré's chief interests are not economic but racial. He is a leading Nazi eugenicist and author of the idea that all German women should be divided into categories for breeding purposes. He finds the land to be the chief source of racial strength and believes peasants must stay on the soil whether they want to or not. He is the author of the most radical measure which Germany has yet taken: the so-called Hereditary Farms Act, under which old established peasant holdings are entailed to the oldest son for ever and ever, and cannot be mortgaged, sold or transferred. This, of course, breaks the servitude to interest of the peasant, by destroying his credit. In 1934 Gottfried Feder, the original Nazi economist, who was soon to be removed from the Ministry of Economics, where his ideas were considered too radical, was put in charge of the German colonization program, to carry out the promised settlement of industrial workers in homes and upon land of their own. In the 1935 edition of the National Socialist Annual he is still rosy in prediction but empty of accomplishment. The 400,000 homes seen as an "immediate" undertaking have not been begun.

The reason is implicit in Hitler's philosophy. It is a basis of his whole theory that Germany does not possess sufficient land and soil for the needs of her population. She must acquire it. The army comes first.

VII. ENTHUSIASM FOR POVERTY

For those who believe that the economic motive alone moves masses of men, it would apparently follow that discontent would be wide-spread and disillusionment profound. But on the con-

trary, one is forced to admit that Hitler enjoys phenomenal mass support. There *is* disillusionment, deep, bitter, and by no means confined to socialists, communists, and Jews, the treatment of whom has been a world scandal. There is many a Nazi who today nurses an outraged heart, and such opposition as there is has come most vigorously from conservatives. It *is* true that the régime operates by propaganda and is backed by ruthless terror. It *is* true that there is discontent amongst the workers. It *is* true that the various plebiscites with their ninety-percent majorities do not fairly gauge public opinion. Even the great victory in the Saar does not prove all that the Nazis claim. It merely proves that Saar Germans wished to join Germany—even Nazi Germany. Nevertheless, it is equally true that the enthusiasm is only partially forced; that the conditions are on the whole accepted, the propaganda believed, and the terror—except when it hits close home—ignored. The reasons are not economic. They are emotional and psychological.

Actually, the standard of living of the average employed individual is falling in Nazi Germany, as it has fallen in Fascist Italy. The Nazi work program, in practice, substitutes for the right to support the duty to work, and divides what work there is. Industries employ two men where one would do, and the two divide the former wage of one. That this is true is borne out by a comparison of re-employment figures with the total increase in the wage bill. The process does not add to industrial efficiency and it does not add to total buying power. The thousands in concentration camps, the other thousands ousted from jobs for political or racial reasons, the thousands who have left Germany, and the thousands of women sent home, are not counted as unemployed. The Voluntary Work Service (no longer voluntary) is not conceived essentially as a re-employment program, but rather as a regular service of youth to the state, but it has taken up thousands formerly on the dole. The German worker today is building roads and draining swamps, drilling as a soldier, adding to the means of production as well as to the actual production of the nation, but his share in the profits of the whole business is relatively small.

The boom in consumption is in the upper categories of incomes.

But the Nazi state has ameliorated the pains of poverty, as communism in Russia has ameliorated them, by removing from poverty the stigma of inferiority, by giving to it a sense of purpose, and by holding out the hope of a glorious future. Although it has not created the classless state, which is its claim, it has done much to create the appearance of the classless state, and in this has shown much more shrewdness and imagination than its democratic predecessors. It has abolished "entrances for gentry only," and lately proposed the prohibition of aristocratic titles. It has certainly elevated common boors to high positions. It has not democratized income but it has enormously democratized culture. It denies the ideal of "equality," but its standards of aristocracy are attainable by the masses, since to be one of the "élite" in the new state one needs only to possess health, what is supposed to be a typically German build and cast of countenance, and the virtues of the common soldier.

It has shut the masses out of control, but it has enormously increased their sense of participation. They do not vote—except for Nazis—but they parade. They are marshalled out as Peasants or Workmen or Owners of Garden Colonies, each group in its own uniform, with its own flags, singing its own songs, and upon each group it is impressed that the future of the nation rests in its collective hands. A special emotional value is attached to every walk of life. To be young is to belong to Youth; to be a girl is to be born into German Womanhood. National Socialism substitutes for Having the sense of Belonging—the excitement of common participation in a unique experience, which is the single emotional compensation which war offers in exchange for its horrors.

It is a tremendous error to underestimate these psychological and emotional factors. The German Republic underestimated them. This was its greatest failure, that it did not create a national myth for a people peculiarly susceptible to myths and very much in need of one.

Under these conditions, and for the time being, it is not the German masses—with the exception of the thinking ones—that are finding Germany a hell. Those who suffer are the most

highly individualized, the sensitive, the differentiated, the analytical, the discriminating, the fastidious, the spiritually heroic: those who are not of the herd. Precisely those who suffer in war.

If National Socialism is really a war-time economy, foreign policy becomes the Achilles heel of the whole system. For the building of the military machine no sacrifice has been too hard for the German people, suffering under a sense of national inferiority, national grievance, and fear. But what will happen when military inferiority quite plainly no longer exists? That moment is approaching. It is nearly here. Hitler counts that the acquisition of military power will be accompanied by diplomatic prestige and success. But suppose the opposite happens? Suppose a powerful Germany incites more fear than she attracts admiration? At present this seems to be the case. Does Hitler (is he not already a prisoner of the army?) intend to go on building up a huge military machine, at the price of cumulative impoverishment, until he can fight all Europe? How much strain can heroism stand? And how long will military morale hold if there is no enemy?

The whole system as it at present exists is built upon the presumption of an enemy. Yet there stands the plain fact: if Germany does not undertake territorial aggrandizement, she has no enemy in the whole world.

It remains to be seen whether a system of economy good for waging war is, in the long run, good for anything else, or whether heroic endurance can exist for its own sake. The present system will not, because it cannot, rehabilitate the middle class and the small entrepreneur. So far the result of National Socialism has been to carry forward the levelling process between the middle class and the workers, by blotting out the only difference which really remained—a psychological one. It therefore seems likely that if war is indefinitely postponed, while German imperialism is stalemated by the collective (even though passive) resistance of a united Europe, and if National Socialism is forced to turn its chief attentions inward, its first serious crisis will then be at hand.

XXXIV

THE POLITICAL THEORY OF GERMAN FASCISM ¹

In dealing with the evolution of political thought, most historians and social scientists, until recently at least, have tended to view political behavior and the changing patterns of power in society as rational implementations of dynamic ideas. They have accordingly concerned themselves more with the development of abstract philosophical systems than with the social-psychological contexts conditioning this development. To other observers, more Marxian than Hegelian in their outlook, all political ideas are but reflections of the economic interests and class ideologies of the various strata of society. This school therefore probes for the secrets of political and social change, not in the surface phenomena of ideas, but in the progress of technology and in the shifting economic relations of groups and classes within the social hierarchy. Still others, few in number as yet, have adopted Freud as their guide. These pioneers, in so far as they have attempted to elaborate a distinctive psychology of politics, have delved for explanations of political theorizing in the realm of emotional adjustments and maladjustments. Both Marxians and Freudians reject Hegelian idealism and agree that all political thinking is to be regarded as a process of inventing justifications or counter-justifications for particular relationships of power. They differ in that the Marxians, in common with the classical political economists, usually postulate the rationality of the "economic man," while the Freudians insist upon the irrationality of social behavior and seek to explain it by reference to the "id-superego-ego" structure of the personality.

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The rulers and thinkers of Fascist Germany regard it not merely as bad taste but as high treason to suggest that political ideas are products of economic interests or of neuroses. The Nazi *Weltanschauung* repudiates historical materialism and psychoanalysis with equal vehemence. Its Hegelianism is qualified, however, by the circumstance that it views political and social ideas, not as children of Reason, but as the off-spring of obscure subjective impulses. These impulses are emphatically not to be explained by the pernicious doctrines of the Jew, Karl Marx, nor of the Jew, Sigmund Freud. They flow from *Blut und Boden*, from nation and race, from individual genius and from the esoteric depths of the German soul. But to the Western observer, who finds in this romanticism more a symptom than a diagnosis of the political mentality of contemporary Germany, German Fascism is intelligible only in terms of the economic difficulties and the psychic maladjustments of the post-war *Kleinbürgertum*. The purpose of the present article is not to explain this paradox, nor yet to undertake a basic analysis of the political ideas of the NSDAP (*Nationalsozialistische Deutsche Arbeiterpartei*) in terms of class politics and psychopathology, but rather to present in systematic form a brief summary of the ideas themselves.

Despite Nazi insistence on the "organic" character of the new doctrine, its exposition in an organized résumé presents peculiar difficulties. German Fascism, unlike its Italian counterpart, developed and perfected its doctrine through fourteen years of struggle before it came to power, instead of fabricating a doctrine after seizing control of the machinery of the state. But, even more than Italian Fascism, it has always been less a doctrine than a faith-mystical, cloudy, and often not only irrational but consciously *anti-rational*. Anti-intellectualism has always been a dominant note in the movement. "We think with our blood" is a favorite Nazi slogan. *Blut gegen Geist* (Spengler) is a fundamental principle of National Socialism. Hitler himself has always given feeling, emotion, fanaticism, and even hysteria, precedence over calm ratiocination. Nazi thinking often lacks in clarity and consistency what it exhibits in fervor.

Its logical integration into a system of ideas is, therefore, somewhat artificial and misleading.

It is difficult, moreover, to select authoritative party doctrine from the enormous outpouring of Nazi literature because the party has never set up a College of Cardinals to determine what is orthodox, nor has it expressly forbidden its adherents and sympathizers to voice personal views for which the organization assumes no responsibility. There is, to be sure, Hitler's autobiography, *Mein Kampf*, which is now the "bible" of the movement. There is the party program of 25 points, with Gottfried Feder's commentaries, adopted February 24, 1920, and declared unalterable on May 22, 1926. There is Feder's *Der Deutsche Staat* (1923), which Hitler pronounced the "catechism" of the movement at the time of its publication. And there is the interesting series of official brochures in the *Nationalsozialistische Bibliothek*. But many years have elapsed since the appearance of some of these scriptures. They have been followed, and at points contradicted, by thousands of more recent books, pamphlets, and speeches. A critical review of party bibliography would require hundreds of pages of digest and commentary. All that can be attempted here is a general treatment of the trend of Nazi political thought as represented by outstanding leaders and publicists.

I. RACIAL NATIONALISM

Anti-semitism and Pan-German "Aryan" nationalism are the negative and positive poles of the Nazi world-outlook. Both obviously antedate the NSDAP by many decades. The Aryan myth, with its corollary of Teutonic superiority, was first persuasively presented by Comte Arthur de Gobineau in 1852 in his *Essai sur l'inégalité des races humaines*. In 1899 the Germanized Englishman, Houston Stewart Chamberlain, published his *Die Grundlagen des neunzehnten Jahrhunderts*, which also affirmed the superiority of the Germans, but defined them in terms of moral qualities rather than of physical characteristics. These two works were points of departure for all later advo-

cates of white superiority and Nordic supremacy, among whom the best known in America in recent years have been Madison Grant and Lothrop Stoddard.

In Germany, the development of the Aryan myth was closely paralleled by the growth of political anti-semitism. The emancipation of German Jewry, begun by Napoleon I in the Rhineland, was not completed until after 1848. Politically organized anti-semitism, with its religious roots stretching far back into the Middle Ages, became active in German petty bourgeois circles as soon as the *Kleinbürgertum* began to be pinched economically between organized labor and corporate business. The Jew early became the scapegoat of the resulting resentment. Adolf Stöcker's *Christlich-Soziale Arbeiterpartei* flourished in Prussia in the eighties. Religious, moral, and economic complaints against the Jews led eventually to the emergence of a racial myth reflected in the attitudes of the *Deutschsoziale Partei* and the *Antisemitische Volkspartei*, both established in 1889. By 1893, there were sixteen anti-semitic deputies in the Reichstag. Various anti-semitic political groups have been continuously represented in the German national legislature ever since.

Hitler, without having read Gobineau or Chamberlain, and without being familiar with the anti-semitic movement in northern Germany, acquired his anti-semitic fixation in pre-war Vienna, where he struggled in his youth to keep body and soul together as a would-be architect and building trades laborer. Under the influence of Karl Lüger, anti-semitic mayor of the city, he arrived at the conclusion that the Jews were the source of many contemporary evils. In post-armistice Germany, anti-semitism flourished in reactionary nationalist and militarist circles—nowhere more so than in Munich, where Hitler's regiment was stationed and where he began his political career by becoming "Member No. 7" of the then insignificant *Deutsche Arbeiterpartei*. Under the spell of his genius as orator and organizer, this little group became the nucleus of the NSDAP. Its 25-point program, proclaimed in the Hofbrauhaus in February, 1920, was largely Hitler's work. The leader's political ideas were already fixed. They were simple verbalizations of his ardent anti-semitism and his fanatical Pan-German patriot-

ism, suitable for popular consumption by the crowds which gathered to hear him in the sundry beer halls of Munich. Hitler's Munich contemporaries, Gottfried Feder, preacher of strange economic doctrines, and Dietrich Eckart, drunken literary genius, played a significant rôle in the formulation of the political philosophy which came to dominate the *Hitlerbewegung*. The anti-semitic *motif* was prominent in all of Hitler's speeches during the period between the establishment of the party and its temporary eclipse after the Hitler-Ludendorff *putsch* of November 8-9, 1923. It also dominated the *Deutschvölkische Freiheitspartei* of von Graefe, Wulle, and Hennig, which coöperated with the NSDAP in 1924-25 under the leadership of Ludendorff and Gregor Strasser.

Nazi appeals were addressed from the beginning to a *Kleinbürgertum* filled with resentment against capital and labor, the upper and nether mill-stones of an economic system which seemed to be grinding the German "forgotten man" into the dust. This resentment found voice in attacks upon "capitalism" and upon "Marxism," for the petty bourgeoisie felt itself being dragged most unwillingly to the social level of the proletariat through the pressure of corporate industry and finance. Trusts and trade unions were both assailed as iniquitous and "unpatriotic." With consummate skill, the Nazi leaders, in their quest, on the one hand, for funds from "big business" and, on the other, for converts from the middle classes, resolved the logical inconsistencies in this double resentment by deflecting it against the Jews. The nation, they asserted, was not menaced by a socially-minded, patriotic *German* capitalism nor by a patriotic *German* socialism, but only by international, Jewish *Hochfinanz* and by international Jewish-Marxist socialism. The *Kleinbürgertum* was readily convinced that its real enemies, above and below, were the Jews. Under Nazi persuasion, it perceived that all the things it had come to detest—pacifism, internationalism, Marxism, Freemasonry, Esperanto, nudism, reparations, democracy, inflation, liberalism, financial exploitation, parliamentarianism, and sexual immorality—were but phases of a Jewish plot against the Fatherland. The integration of these divergent negative responses into a general assault upon

the Weimar Republic, following their ideological unification through anti-semitism, is the most brilliant psychological achievement of Nazi propaganda.

This process was accompanied by the elaboration of a highly ingenious theory of a Jewish world conspiracy against the "white" race. The specific content of this theory varies somewhat with the Nazi sources which are consulted. Many of the charges are based upon the alleged "Protocol of the Elders of Zion," a mysterious document supposedly prepared in the mid-nineteenth century as a campaign plan of Jewish world conquest. In Nazi literature, the Jews are usually viewed as a hybrid Oriental-Negro stock which, for thousands of years, has practised "incest," i.e., endogamy, to keep itself "pure" and has, at the same time, sought to poison the blood of superior races through miscegenation. Since its expulsion from Palestine, this race has lived as a parasite on other peoples, practicing the ritual murder of Christian children, destroying the race purity of its victims, and seeking in every possible way to bring about the destruction of the host upon which it preys. In modern times, its primary weapons have been prostitution and syphilis, the liberal press, intermarriage, Freemasonry, parliamentary democracy, international finance, and Bolshevism. More specifically, the Jews, through their alleged control of the labor movement, the Börse, the Socialist party, the liberal-Marxist press, etc., are held responsible for Germany's defeat in the Great War and for the establishment of the "Jew republic" of the "November criminals" of 1918. All of Germany's woes since the Armistice are likewise attributed to the Jews. The ultimate objective of Judaism is the complete destruction of the German people through bastardization, pacifism, liberalism, and communism.

The first prerequisite to the protection of Germany from this menace is the awakening of "race-consciousness" among her people. In the course of its development, the Nazi doctrine of race, as a positive creed of German superiority, has passed through many vicissitudes. The program of 1920 did not employ the now universal term "Aryan," but spoke only of "German blood" and "*Volksgenossen*." The same is true of Feder's *Der*

Deutsche Staat. Hitler, in *Mein Kampf*, used the term "Aryan" repeatedly without giving it precise definition. Rosenberg, a Baltic German émigré from Russia, is a champion of blonde, blue-eyed Nordicism, but his doctrine is scarcely acceptable to such obvious brunettes as Hitler and Goebbels. At the present time, however, the enormous Nazi literature dealing with race problems exhibits a fair degree of uniformity, thanks to the work of Hans Gunther, appointed "professor of social anthropology" at the University of Jena by Minister Frick in June, 1930. In the evolution of the Aryan myth, Gunther is the successor of Gobineau and Chamberlain. In his voluminous writings, he depicts the Germans as a blend of six "races": Nordic, Westic, Dinaric, Ostic, Baltic, and Falic. The Nordic element, constituting only six to eight per cent of the population, has been decimated by war, emigration, and tuberculosis, but is the most valuable biological element in the nation. It is probable, according to Gunther, that all creative cultural endeavor in all ages and in all civilizations was the work of a minority blessed with Nordic blood. Every effort must be made, therefore, through race hygiene and eugenics, not only to protect the nation from the "Jewish ferment of decomposition," but to increase the proportion of Nordic stock in the population. Gunther's ideas have constituted a point of departure for a whole army of scholars who have propounded his gospel in a bewildering variety of works.

The political implications of the new anthropology have furnished the ideological basis for many of the decrees of the dictatorship. The original party program called for the disfranchisement and expatriation of Jews (Points 4 and 5), the granting of official appointments only to citizens (Point 6), a ban on non-German immigration and the expulsion of all non-Germans who entered the Reich after August 2, 1914 (Point 8), the protection of mothers and infants, the suppression of child labor, and the fostering of sports and gymnastics (Point 21), and the expulsion of the Jews from journalism (Point 23). The Nazi state is conceived to be a "racial" state whose first care should be the biological fitness and racial purity of its citizens. Up to the time of writing, the Jews have not yet

been disfranchised or deprived of citizenship, but they have been expelled from all public and quasi-public offices and subjected to a variety of educational, vocational, and social restrictions. Mixed marriages may be dissolved at the option of the Aryan party and will in the future become a penal offense under the new criminal code. The sterilization of persons with "hereditary diseases" began on January 1, 1934. The minister of economics in the Hitler cabinet once proposed that all German women be divided into four classes: only the first, consisting of racially pure Nordics, would be permitted to marry the new noblemen of the Third Reich; those of the second class might be qualified to marry after a period of probation; third class women might marry inferior men, but the husbands must be sterilized to prevent procreation; fourth class women might neither marry nor have children. Alfred Rosenberg, in his *Mythos des 20. Jahrhunderts*, has urged polygamy for the Nordic nobility on eugenic grounds. These suggestions have not yet been acted upon officially, but "non-Aryans," i.e., Jews, have already been reduced to the level of a pariah caste and further legislative measures designed to purify the race and to increase the population are to be anticipated.

The race myth plays the same rôle in the Nazi cult of racial nationalism as the class myth in the Marxian world outlook. The new Germany envisages world history as a conflict between races. The white, or "Aryan," race is the source of all culture, the Negro is an inferior breed, and the Jew is the source of all corruption. The Germans represent the highest point of Aryan development. They must insist upon "honor," "freedom," and "equality of rights" with the victors of 1918. The Pan-German "racial state" of the future must include within its borders all German-speaking people in Europe. It must follow the heroic traditions of the Teutonic Knights and win land in the East to insure its future. This task demands the spiritual unification of the nation and the passionate devotion of all Germans to the cause. It requires the denunciation of the peace treaties and the building of a Greater Germany with more land and colonies. It requires parity of armaments with the Reich's neighbors and an alliance with Great Britain and Italy.

The enemies of the future are France, land of democracy, Freemasonry, and Jewish-Negro militarism, and Russia, citadel of the Jewish *Weltpest*—Bolshevism. Germany, militarily invincible, was "stabbed in the back" in 1918 by the Jewish-Marxist traitors. With the liquidation of the Jewish menace and the "November criminals," the way will be clear for the fulfillment of the German mission and the realization of the Pan-German dream.

2. THE NEW SOCIALISM

Successful politicians must always identify themselves with words and other symbols which already evoke favorable responses from those to whom they are addressed. In the United States, the adjective "socialist" has long been a term of opprobrium, since it calls forth negative reactions from the masses. In Germany, on the contrary, "socialism" has long been a synonym for social progress. Thanks to decades of Social Democratic propaganda, even the term "social revolution" sounds attractive rather than repellent to the proletariat and the lesser *Kleinbürgertum*. Anti-semitic and reactionary groups of super-patriots in post-war Munich adopted such terms as a matter of course in their efforts to win a popular following. In the period of his preliminary political grouping, Hitler toyed with the name "Social Revolutionary party." The "German Labor party" of Anton Drexler added the adjectives "national" and "socialist" to its name shortly before Hitler became a member in 1919. Anti-Marxism was from the outset the corollary of anti-semitism, but this did not deter Hitler from using red flags and posters and calling his enemies "bourgeois" in his efforts to attract supporters.

"National Socialism," however, is more than a campaign catchword. Hitler, unlike Mussolini, was never himself a Marxian socialist. But his movement, like its Italian counterpart, has championed "socialism" vigorously—a purified, patriotic, non-Jewish, anti-Marxist, "national" socialism. This conception of a purely national socialism, in opposition to Marxian internationalism, is of course not new. The old Prussian state of Frederick the Great is the historical prototype of the Nazi ideal.

Fichte advocated a comparable conception of the ideal state early in the nineteenth century. In the development of the German labor movement, Ferdinand Lassalle's socialism was distinctively national in contrast to Marxism. Paul de La Garde, professor of theology at Göttingen, preached a similar doctrine of a Pan-German, authoritarian, "social" state in the eighties, but without result. In 1896, Friedrich Naumann established the "*Nationalsozialer Verein*," but he was also a prophet in the desert. In 1922, Moeller Van Den Bruck published *Das Dritte Reich*, in which the idea of a German, anti-Marxian, anti-liberal socialism was clearly set forth.

The precise political and economic implications of this brand of socialism, however, have been shrouded in a certain obscurity. The familiar Nazi slogans, "*Freiheit und Brot*" and "*Gemeinnutz geht vor Eigennutz*," throw little light on the problem. Hitler's economic ideas in the period prior to the formulation of the program were largely molded by Gottfried Feder, who preached social salvation through "breaking the bonds of interest slavery" ("*Brechung der Zinsknechtschaft*"). According to his doctrine, there are two kinds of capital: national, creative, Aryan capital, and international, exploitive, Jewish capital ("*Börsen-und Leihkapital*"). This distinction came to Hitler like a revelation. He perceived "like a flash" that the real purpose of Marx and his followers in attacking the productive capital of the national economy was to pave the way for the domination of Jewish, international finance-capital. The Feder creed was incorporated into the party program. The "socialistic" proposals in the Twenty-five Points prescribe the duty of all citizens to work (Point 10), the abolition of incomes unearned by work (Point 11), the ruthless confiscation of war profits, the nationalization of all businesses which up to the present have been organized into trusts, profit-sharing in wholesale trade, old age pensions, municipalization of large department stores and their leasing out at low rates to small merchants, the death penalty for usurers, profiteers, etc., prevention of speculation in land, abolition of interest on land mortgages, and confiscation of land for community purposes (Points 12-18). On April 13, 1928, Hitler rendered an official interpretation of the last proposal

in which he explained that since the NSDAP "admits the principle of private property," the demand for the confiscation of land could refer only to land illegally acquired or used contrary to the national welfare. The proposal, he said, was "directed in the first instance against the Jewish companies which speculate in land."

These proposals, as well as Feder's economics, reflect a desire on the part of the Nazis to make political capital of the hostility toward "big business," chain stores, and mortgage-holders among the peasantry and small bourgeoisie. This hostility was in part deflected upon the Jews, but the political exigencies of Nazi strategy have never made possible the clear formulation of an intelligible economic program. Goebbels designated "*Kapitalismus*" as the chief enemy of National Socialist freedom, and asserted that Marxism was incapable of overcoming this enemy because its leaders worked hand in hand with the representatives of "*Börsenkapital*" and are of the same Jewish race. But Nazi definitions of "socialism" have seldom been consistent or clear. Feder's efforts to distinguish between "loan-capital" and "productive-capital" have remained incomprehensible to uninitiated economists. He, along with other Nazi leaders, has at various times proposed the abolition of the gold standard, the repudiation of public debts (especially reparations), the non-contraction of future public debts, the abolition of taxes, and the financing of public works by certificates (the so-called "Federgeld") secured by the works themselves. But an organic economic doctrine of the party has never emerged. Inconsistency and incomprehensibility, however, are more often political assets than liabilities in winning the masses. In May, 1930, in the course of a debate in Berlin with Otto Strasser, then leader of the left wing of the party, Hitler disclaimed any intention of disturbing business in the event of his securing power. The radical economic proposals of the original program have repeatedly been reinterpreted to assure the business world that no dangerous financial or economic experiments were to be anticipated from a Nazi government.

The course of events since January 30, 1933, has confirmed the impression that "National Socialism" is far more national

than it is socialism. Except for the labor unions, German economic institutions have undergone no revolutionary alteration. No property has been confiscated save that of the unions and of the political enemies of the Nazi régime. Banks have continued to operate as before. The stock market has done business as usual. Interest rates have not been tampered with. Inflationary experiments with the currency have been avoided up to the time of writing. No trusts or other businesses have been nationalized. No department stores or chain stores have been municipalized or leased to small merchants. Such interference with private business as has taken place has been inspired by private grudges or ambitions, and has been strongly curbed by the party leaders. All business organizations, to be sure, have been subjected to the universal process of *Gleichschaltung* whereby the predominance of Nazi influence has been assured. A highly organized system of quasi-public assistance for the jobless has been instituted, involving numerous collections and contributions from all employed workers. The "winter relief" campaign of 1933-34, based on subscriptions and donations from everyone not completely destitute, has been presented by the authorities as "true socialism" and "socialism of the deed." But it is obvious that German capitalism and the whole socio-economic structure of German society remain unchanged in all fundamentals.

In Fascist Germany, as in Fascist Italy, the new socialism in practice has meant the destruction of Marxism and the suppression of the independent trade unions, along with the integration of professional and business associations and the introduction of certain measures designed to promote "economic planning." Autarchy has been championed in principle, but moderated in practice. The welfare of the peasantry has been a special care of the Nazi régime, for the peasantry is regarded as the source of old Germanic virtues and the backbone of national strength. The *Kleinbürgertum* has likewise been given special protection, though its material benefits have not thus far kept pace with the psychic satisfactions it has derived from the "national awakening." Corporate industry and finance have welcomed the absence of labor troubles in the new Germany, while labor

has seen its Marxist parties destroyed and its unions converted into cogs in the Nazi *Deutsche Arbeitsfront*. The Nazi movement, while promoting the complete organization of labor, insists that its organizations shall not be weapons of class struggle, but merely agencies to represent occupational interests. Since March 5, 1933, there have been no strikes in Germany.

3. THE THIRD REICH

The Nazi conception of the state is an outgrowth of the racial-national-social *Weltanschauung* which has already been outlined. This conception postulates the inequality of men, the subordination of individual liberty to national "freedom," the rule of an élite, and unlimited power over the nation, accompanied by unlimited responsibility to God and the people, on the part of a dictator. A political order based upon these postulates is regarded as the logical corollary of an economic and social order based upon private property, the profits system, individual initiative, and inequality of wealth and income. The liberal order of democratic parliamentarianism is viewed as a dangerous anachronism. The economic analogue of democracy is not capitalism, but communism. The political analogue of capitalism is not democracy, but oligarchy and dictatorship, which, under contemporary conditions, are regarded as prerequisites to national strength and to the preservation of the established social and economic hierarchy. The organic, corporative, authoritarian state, by preventing class conflict, destroying Marxism, and suppressing pacifism and internationalism, will at the same time revitalize private-property economy and unify the nation for the accomplishment of its mission.

From a genetic point of view, the Nazi state-theory, like that of Italian Fascism, is largely a product of the party's war against parliamentary democracy. Just as the racial doctrine of Aryan supremacy emerged out of attacks upon Jewry, so the political doctrines of National Socialism emerged out of assaults upon the "system" of the Weimar Republic. These doctrines, in their present form, are nowhere expressly stated in the Twenty-five Points of 1920. The original program championed equality

of rights and duties of citizens (Point 9), denounced Roman law as a servant of "the materialistic world order" (Point 19), called for the formation of a national army (Point 22), demanded the suppression of liberty of education and of the press (Points 20 and 23), and upheld religious liberty while combating "the Jewish materialist spirit" (Point 24). The last point asserted:

That all the foregoing may be realized, we demand the creation of a strong central power in the Reich; unquestioned authority of the politically centralized Parliament over the entire Reich and its organizations; and formation of chambers for classes and occupations for the purpose of carrying out the general laws promulgated by the Reich in the various states of the confederation.

Here, amid faint echoes of bourgeois liberalism, one finds no clear demand for dictatorship and governmental absolutism. Neither is this demand voiced in Feder's original commentary on the program. But in the course of its campaign for popular support in competition with the democratic and Marxist parties, the NSDAP attacked the political ideology of the Weimar constitution and gradually formulated its own anti-Marxian, anti-democratic, anti-parliamentary political creed. This creed is presented somewhat tentatively in Moeller Van Den Bruck's *Das Dritte Reich* (1922). It can be seen taking more definite form in Feder's *Der deutsche Staat* (1923). It receives even clearer expression in Hitler's *Mein Kampf* (1925-27). Here one finds bitter denunciation of such elements of liberalism as existed in the Hohenzollern Empire and reiterated indictments of political democracy and majority rule. Democracy is presented as the forerunner of Marxism. As against the democratic state forms which emerged from the French Revolution, Hitler champions true "Germanic democracy," involving the free election of an all-powerful leader who will decide all questions without recourse to the majority principle.

The subsequent development of this doctrine was shaped by the exigencies of the Nazi fight for power. After the disaster of the Munich *putsch* of November 8-9, 1923, the party renounced revolutionary violence as a method of overthrowing the

Weimar system and repeatedly insisted upon the "legality" of its tactics. Legality required the party to seek the favor of a majority of the electorate through the use of "democratic" campaign methods. The party, itself, however, became anti-democratic in its structure as soon as Hitler assumed leadership. The election of party leaders as well as discussions and votes on party policies were abolished as early as 1921. In the years that followed, the intricately hierarchical and completely autocratic party machine of the NSDAP, with *Der Führer* exacting unquestioning obedience from his subordinates, progressively conquered the emotions of the masses by means of a perfected technique of high-pressure advertising. The dictatorial structure of the party simultaneously gave it unity and power in electoral contests and helped to build the illusion in the minds of the masses that Hitler was a heaven-sent Messiah in whom all political wisdom resided. In Hitler's own view, the principle of the party structure was identical with the principle upon which the old Prussian army was organized: authority from the top down, responsibility from the bottom up.

This principle has now become the basis of the German Fascist state. It is the antithesis of parliamentarianism, which prescribes that authority shall be conferred upon political leaders from below and that the lines of responsibility shall run from those who wield power to those who have chosen them and conferred power upon them. "Responsible government" in the Western democracies means either the responsibility of the executive to the legislature or the responsibility of both to the electorate. In the new Germany, the electorate and the party are responsible to *Der Führer*. Since men are unequally endowed, and since all human organizations are pyramids of power, the conceptions of mass participation in government and of government by numerical majorities are deemed to be obviously absurd and contrary to "natural law." The first task of the National Socialist revolution was the liquidation of this dangerous heresy. Constitutional forms are of no importance. What is important is the *Führerprinzip*, the rôle of personal leadership, the concentration of responsibility in the hands of the few, the exercise of power by a new élite.

This élite is answerable to the dictator. And the dictator is answerable only to God—and to the people. His relationship to God remains as nebulous as was that of the divine-right monarchs of old. His relationship to the people has not yet been defined with complete clarity in Nazi theory and practice. In 1926, Goebbels could say: "The great leader will not be elected. He is there when he must be there!" In 1933, Hitler insisted that he held power by a broad popular mandate. The election of November 12, 1933, was ordered for the announced purpose of convincing the world of this fact. The "yes-no" referendum on foreign policy appears, in principle, to be contrary to Hitler's original dictum that the leader, once elected, assumes full responsibility for his acts without responsibility to majorities. The Reichstag ballot, however, was prepared in accordance with sound Nazi doctrine: the voter could do nothing save approve the Nazi list or invalidate his ballot. But these logical discrepancies offer no difficulty to the convinced National Socialist. He accepts unreservedly Treitschke's "great man" theory of history. Italian Fascist doctrine asserts: "Mussolini is always right." The good citizen in the Third Reich subscribes to a similar principle: "*Hitler hat immer recht!*" Propaganda is more important than violence in securing popular acquiescence in the new dispensation. Strenuous efforts have been made to indoctrinate the entire population with the new political faith. In the minds of the masses, the symbols and slogans of the NSDAP have already been identified with the integrity and well-being of the nation. This work of political education began years before the Nazis attained power and was in fact the chief secret of their electoral successes. Since March, 1933, all other propagandas have been suppressed and every conceivable agency of public enlightenment has been utilized to build up the verbal associations and emotional responses which will ensure the perpetuation of the Fascist régime. The Nazi leaders long ago learned to appreciate the supreme importance of this work of psychological preparation. The necessity of incessant propaganda is now an article of faith with the new rulers. Gigantic mass demonstrations and solemn political rituals represent only a phase of this work. Through the Ministry of Enlightenment

and Propaganda, and through an elaborate mechanism of censorship, subsidies, and social pressures, the task of holding the loyalty of the masses is entrusted to the press, the radio, the theater, the cinema, the church, and the school. The rising generation, from kindergarten to university, is treated to a curriculum in which physical training, political indoctrination, and moral education are given definite precedence over the imparting of knowledge. The objective is not the conversion of a majority of the population (this has long since been achieved), but unanimous and unquestioning conformity to the new creed. This unanimity, obtained by a combination of high-pressure propaganda, suppression of organized opposition, and intimidation of individual dissenters, was strikingly demonstrated in the election of November 12, 1933.

As apostles of *Realpolitik*, however, the rulers of the Third Reich have never neglected to emphasize the decisive rôle of force, in both internal and foreign politics. They envisage the state not only as an expression of a *Weltanschauung*, but as an embodiment of armed violence to be used against domestic and foreign foes. "Might is right" is sound Nazi doctrine. Political power divorced from military force is regarded as a contradiction in terms. Hitler, in his autobiography, takes the inevitability of war for granted. So long as Germany remains disarmed among heavily armed neighbors, expediency dictates that saber-rattling shall be figurative only and shall be accompanied by repeated assurances of peaceful intent. But, woven into the warp and woof of the political doctrine of German Fascism are the heroic military traditions of the Prussian past, the legend of German invincibility in war, the *Heldentum* ideal of knights in armor, and the deepest deference toward the vocation of the soldier. The Nazi government leaves to foreign observers the academic task of debating whether these things constitute "militarism." For its own part, it is content to profess peace and, at the same time, to spare no effort to awaken martial enthusiasm among its subjects.

Such, in résumé, are the dominant political ideas of Fascist Germany. These ideas are less a product of the erudite elaboration of the theories of nineteenth-century thinkers than an expression of non-rational patriotic emotionalism prevalent in the post-war Reich. But since mass emotions are always verbalized in terms of word-patterns already current in a culture, it is but natural that discerning observers should perceive the roots of the Fascist doctrine deep in the German past. This ideational legacy has often been minimized by the Nazi spokesmen themselves, for they have found it good politics to present their creed as a *de novo* creation, born of mysterious revelations and Messianic visions. *Der Führer* himself has frequently said, in effect, "L'idée, c'est moi!" Being unblessed with higher philosophical erudition, he did not consciously borrow his ideas from older sources. But he evolved them obviously out of feelings and word-patterns already widespread in central Europe. The Nazi dogma, like every dogma, has been fabricated out of materials already at hand. Neither the cleverness of the design nor the heaviness of the ornamentation can conceal the fact that the new temple has been built out of old wood.

The identity of the various pieces of lumber in the ideological "Brown House" of Hitlerism is clearly perceptible. The creed of racial nationalism, with its emphasis on the unique superiority of German (Aryan) virtues, is perhaps the oldest component element in the new faith. Tacitus, in his *Germania*, was the unwitting founder of this creed. Frederick the Great and Bismarck contributed powerfully to its development by their words and deeds—and by the not-too-accurate recollection of their words and deeds which is now prevalent. The Aryan myth of Gobineau and Chamberlain has been merged with the German nationalist tradition of Fichte and Treitschke. Hegel's theory of history and his doctrine of state absolutism have been blended with Nietzsche's fiery gospel of the Blonde Beast and the Superman. La Garde and Naumann contributed decades ago to the fusing of anti-Marxian socialism with the ethnocentric megalomania of the Pan-German League. Othmar Spann and Oswald Spengler are in part responsible for the economic and historical outlook of the NSDAP. The anti-democratic ideology of the

party is as old as democracy and tyranny themselves. The conceptions of occupational representation and of an economic parliament are likewise not new. A somewhat old-fashioned Darwinism, a highly fashionable creed of neo-mercantilism, and an eternal military romanticism serve to complete the pattern of the Nazi *Weltanschauung*. Each element in the design is old. But the ensemble is new and resplendent in dazzling colors. Even the critical connoisseur who is unwilling to concede its merits as a piece of original political theorizing must at least grant that it is a work of sheer genius as a masterpiece of practical political psychology.

The direct influence of Italian Fascist theory on the German movement is perhaps less than is commonly supposed abroad. Hitler, to be sure, has taken Mussolini as his model and has borrowed the colored shirt, the Roman salute, and the legion standards of his *Sturmabteilung* battalions from *Fascismo*. But the obvious similarity of state forms and political ideas in Italy and Germany is due less to imitation than to similar sequences of causes and effects. In both countries, the frustration of national ambitions and the economic and psychic insecurities in the post-war position of the propertied classes created comparable social tensions and collective emotional maladjustments. Similar phenomena are observable in post-war Japan, with similar symptoms: fervent antipathy to Marxism, liberalism, pacifism, and internationalism and equally fervent enthusiasm for belligerent nationalism, political absolutism, and military heroism. In Italy and Germany, other elements in the Occidental cultural context, e.g., Freemasonry and political Catholicism, have also been the scapegoats of the prevalent resentments. For obvious reasons, German anti-semitism and the Nordic cult have had no counterparts south of the Alps. In both movements, however, the Sorel-Pareto conception of an élite has constituted a convenient bridge between the Napoleonic ambitions of individual leaders and the syndicalist-socialist doctrines of the party followers.

The prospects of survival of the Nazi ideology in Germany, like those of Italian Fascism and Japanese ultra-nationalism, are obviously bound up with the future of the social orders which

these creeds boast of having saved from Bolshevism. No competitive ideology can engage in effective proselyting activities so long as all means of coercion and all agencies of propaganda are in the hands of the dominant orthodoxy. For the present, the new German cult, with its paraphernalia of symbols, rituals, hymns, sacred writings, saints, and martyrs, brings genuine solace to the troubled middle-class soul. Further economic disintegration or defeat in military adventures, however, would lead eventually to popular disillusionment and despair, produce new insecurities, maladjustments, and tensions, and possibly create a new revolutionary situation. In such an event, the appeal of communism to the masses might well be enhanced by the fact that the dictatorship is constantly increasing the attention-value of revolutionary Marxism by utilizing it incessantly in its propaganda as the Devil incarnate from whom it claims to have rescued its subjects. Should the rescuers at some future time become the scapegoats of popular resentments engendered by economic or military catastrophe, the Marxist devil might easily be welcomed back as a savior. This circumstance renders it possible, but scarcely probable, that the dictators will be induced to refrain from carrying their cult of war-heroism to its logical conclusion. Meanwhile, Fascist power and Fascist ideology are securely in the saddle in Germany—at least until the next chapter of Armageddon.

DOCUMENTS
ON THE
GOVERNMENT OF THE
SOVIET UNION

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PREFATORY NOTE

In the selection of the material to illustrate the Soviet form of government, the distinctive features of the latter have had determining weight. Because of the rôle of the Communist Party in the Soviet system the Party Program as adopted at the beginning of the Revolution is of special importance. The structure of this novel type of organization must be kept constantly in mind properly to understand the rôle which it plays. The Communist Union of Youth (Komsomol) is closely associated with the Party in the political and economic leadership.

Flexibility has been a feature of their constitutions most emphasized by the Soviet leaders. The three constitutions given here are illustrative also of the progress from "declarations" to "achievements" in the course of the nineteen years of the Revolution. The new Constitution, of December 6, 1936, aims to register more formally the carrying out of the programs of the five-year plans. Had space permitted, more material on "socialist economy" would have been included. References are given to material available elsewhere in English on this subject.

It was decided to give always the complete text of a document, rather than extracts or summaries. The resulting repetitions, even within the particular document, are however in line with the Bolshevik technique of hammering home the basic principles on which the Soviet régime acts in pursuance of its goals. Also, the full text of a document will show the element of propaganda which is inevitably present in any material dealing with a revolutionary movement and régime. Thus prac-

tically every document touches on the subject of the relation of the Soviet Union to the outside world, in its competition with other non-Soviet régimes. The source of the propaganda is, however, clearly indicated in every instance.

A study of a revolutionary movement and its institutions necessarily involves the inclusion of material of a frankly propagandist character, in constitutions as well as in such writings as the example given in the article on "The Liquidation of Classes in the USSR."

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CONTENTS

	PAGE
PREFATORY NOTE	3
I. THE PROGRAM OF THE COMMUNIST PARTY OF THE SOVIET UNION	7
II. THE RULES OF THE COMMUNIST PARTY OF THE SOVIET UNION	34
III. PROGRAM OF THE ALL-UNION LENINIST COMMUNIST UNION OF YOUTH	53
IV. DECLARATION OF THE RIGHTS OF THE PEOPLES OF RUSSIA	60
V. DECLARATION OF THE RIGHTS OF THE TOILING AND EXPLOITED PEOPLE	63
VI. CONSTITUTION (FUNDAMENTAL LAW) OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC	67
VII. CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS	88
VIII. NEW CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS	107
IX. THE LIQUIDATION OF CLASSES IN THE USSR, BY A. I. STETSKY	130
X. CHANGES AND ADDITIONS IN THE CODES OF THE RSFSR—REPORT OF PEOPLE'S COMMISSAR OF JUSTICE	166
REFERENCES	186

I

THE PROGRAM OF THE COMMUNIST PARTY OF THE SOVIET UNION

[This program was adopted in the second year of the Revolution at the VIII Congress of the Party (March 18-23, 1919). Since then it has been constantly reprinted and widely distributed as representing the policy of the Party. This translation, made at the time by the Executive Committee of the Communist International (See *Communist Library*, no. 6) has been compared with the 1935 edition published by the Party, in 500,000 copies. The only change made in the text of the program since 1919 is that of the name of the Party, from "All-Russian Communist Party (Bolsheviks)" to "All-Union Communist Party (Bolsheviks)", in accordance with the decision of the XIV Congress of the Party (1924)]

The October Revolution of October 25 (November 7) 1917, realized the dictatorship of the proletariat, which assisted by the poorest peasantry or semi-proletariat, began to lay the foundation of a communist society. The course of development of revolutions in Germany and Austria-Hungary, the growth of the revolutionary movement of the proletariat in all advanced countries, the spreading of the Soviet form of this movement, that is, a form that is directed to the immediate realization of the dictatorship of the proletariat—all this proved that there had begun the era of a world-wide proletarian communist revolution.

This revolution was the inevitable outcome of the development of capitalism which still prevails in the majority of the civilized countries. Our old program, except for the incorrect designation of the party as the Social-Democratic Party, quite

correctly characterizes the nature of capitalism and of bourgeois society in the following theses:

"The chief characteristic of such a [capitalist] society is the production of goods on the basis of capital, where the most important and the greatest part of the means of production and exchange belong to a numerically small class of people, while all the rest of the population consists of proletarians and semi-proletarians whose economic position compels them permanently or periodically to sell their labor power, i.e., to work for wages for capitalists and to create by their labor the income of the upper classes of society.

"The sphere of domination of the capitalist system of production extends more and more with the development of technical improvements which, increasing the economic importance of large enterprises, leads to the abolition of small independent manufacturers. Some of these are reduced to the state of proletarians; the part played by the remainder in social and economic life is greatly narrowed, and in some cases the small manufacturers are put into a more or less complete, more or less obvious and more or less burdensome dependence upon capital.

"The same technological progress, moreover, gives the capitalists the opportunity to apply in greater dimensions woman and child labor in production and circulation of goods. On the other hand, the development of technical improvements leads to a relative decrease in the demand for human labor on the part of the capitalists, and the supply of labor power exceeds the demand; therefore, the dependence of hired labor upon capital increases, and the degree of exploitation becomes higher.

"Such a state of affairs within bourgeois countries, together with the continual sharpening of their rivalries on the world market, makes the sale of goods, the production of which continually increases, more and more difficult. As a result of overproduction industrial crises occur, which are followed by more or less lasting periods of industrial stagnation. Overproduction is the inevitable outcome of the development of productive power in bourgeois society. Crises and the periods of industrial stagnation in their turn ruin the small manufacturers still more, increase the dependence of wage labor upon capital, lead more

quickly to a relative and sometimes to an absolute deterioration of the conditions of the working class.

"Thus the improvement of technique, which means an increase in the productivity of labor and the growth of social wealth, in bourgeois society leads to the increase of social inequality, widens the gulf between the rich and the poor, and leads to increased insecurity of existence, unemployment and privation for broader and broader strata of the working masses.

"Just as all these contradictions which are inherent in bourgeois society, grow and develop, so the discontent of the working and the exploited masses with the existing state of things grows also. The number and the solidarity of the proletariat increases and its struggle with the exploiters becomes sharp. At the same time, the development of technique, as a result of which means of production and exchange are concentrated in a few hands and the process of labor in capitalist enterprises becomes more collective, more and more rapidly creates the opportunity for replacing the capitalist system of production by a communist system and for bringing about a social revolution, which is the final aim of the International Communist Party, the conscious expression of the class movement.

"Social revolution, replacing private property by social production and exchange, and introducing the systematic organization of production to secure the welfare and the development of all the members of society, will abolish the division of society into classes and liberate all oppressed humanity. It will put an end to all kinds of exploitation of one section of society by the other.

"The necessary condition for a social revolution is the dictatorship of the proletariat, i.e., the proletariat must seize political power which will enable it to crush all resistance of the exploiters. The International Communist Party, the aim of which is to make the proletariat capable of fulfilling its great historic mission, organizes the proletariat into an independent political party which opposes all the bourgeois parties, leads the workmen in the class struggle, reveals to the proletariat the irreconcilable difference of interests between exploiters and exploited and explains to the proletariat the historic significance and the

essential conditions of the approaching social revolution. At the same time, the International Communist Party reveals to all the rest of the toiling and exploited masses the hopelessness of their condition in capitalist society and the necessity for a social revolution for their own liberation from the yoke of capital. The party of the working class, the Communist Party, calls to the toiling and to the exploited masses who have a proletarian point of view, to join its ranks."

At the beginning of the XX century, the process of concentration and centralization of capital, destroying free competition, led to the creation of great capitalist monopolies, syndicates, cartels, trusts—which dominated economic life. The same process brought about the amalgamation of bank capital with highly concentrated industrial capital, and to the increased exportation of capital abroad. The trusts, uniting whole groups of capitalist states, began the economic partition of the world, the territories of which had already been divided between the richest countries. This period of financial capital, in which the struggle between the capitalist countries inevitably grows sharper, is the period of imperialism.

Imperialist wars therefore become inevitable, wars for markets for the sale of goods, [wars] for spheres for investing capital, for raw material and for labor power, i.e., [wars] for world domination and for power over small and weak nations. Such was the nature of the first great imperialist war of 1914-1918.

The exceedingly high stage of development of world capitalism, the replacement of free competition by capitalist, state monopolies, the setting up by banks and also by groups of capitalists of an apparatus for the regulation of production and distribution, the resulting rise in the cost of living, the pressure of the combinations on the working class and the oppression of the working class by the imperialist state, the tremendous difficulties for the proletariat to carry on an economic and political struggle, and all the horrors, misery and destruction which an imperialist war brings—all this makes the failure of capitalism and the transition to the higher type of public economy inevitable.

The bourgeois governments could finish the imperialist war neither by the conclusion of a just peace nor of any kind of stable peace. Capitalism has reached the point where an imperialist war must inevitably become transformed, and is becoming transformed, into a civil war between the exploited toiling masses, headed by the proletariat, against the bourgeoisie.

The increasing pressure of the proletariat, particularly its victories in individual countries, strengthens the resistance of the exploiters and compels them to create new forms of international capitalist solidarity (League of Nations, etc.), which by organizing the systematic exploitation of all peoples on a world scale, direct all their efforts to the immediate suppression of the revolutionary movement of the proletariat of all countries.

All this inevitably leads to the blending of civil war within individual countries with the defensive wars of revolutionary countries, and the struggles of oppressed nations against the yoke of imperialist powers.

Under such conditions, the watchwords of pacifism, international disarmament, courts of arbitration, etc., are not merely reactionary utopias, but deception of the toiling classes, directed to the disarming of the proletariat and to diverting it from its own task of disarming the exploiters.

Only the proletarian communist revolution is able to lead humanity out of the blind alley which was created by the imperialists and imperialist wars. In spite of all the difficulties the revolution will have to face, temporary failures, waves of counter-revolution—the final victory of the proletariat is inevitable.

To attain the victory of the world proletarian revolution, the fullest confidence, the closest unity and co-ordination of all revolutionary activity of the working class in all advanced countries are necessary.

These conditions cannot be realized without a complete break with and bitter opposition to the bourgeois perversion of socialism which has obtained the upper hand in the higher circles of the official social-democratic and socialist parties.

One form of this perversion is the current of opportunism and social chauvinism—socialism in name, but chauvinism in fact,

disguising the defense of the interests of the bourgeoisie under the false watchwords of defense of the fatherland, particularly during the imperialist war of 1914-1918. This current of opportunism is due to the opportunities created by the robbery of colonial and weak nations by advanced capitalist states; the surplus profits acquired therefrom by the bourgeoisie enables it to bribe the upper strata of the working class by placing them in a privileged position and guaranteeing them in time of peace a tolerable existence and taking their leaders into its service. The opportunists and the social-chauvinists are the servants of the bourgeoisie and the direct enemies of the proletariat, especially now, when together with the capitalists they are suppressing by armed force the revolutionary movement of the proletariat in their own and in foreign countries.

The other form of perversion is the so-called "Centre," which is also a bourgeois perversion of socialism. This current is observed in equal degrees in all capitalist countries, and fluctuates between social-chauvinists and communists, the latter striving to preserve unity with the former and trying to revive the bankrupt II International. The new III, Communist International alone conducts the struggle of the proletariat for its emancipation, and the All-Union Communist Party is one of its sections. This International was in fact created when the real proletarian elements of former socialist parties in different countries, particularly in Germany, formed communist parties, and was formally established in March 1919 at the first Congress in Moscow. The Communist International, which is more and more gaining the sympathies of the masses of the proletariat of all countries, not only in words but by deeds, by its political content and ideology returns to Marxism and realizes the revolutionary teaching of Marx, now cleansed of all bourgeois-opportunistic perversions.

The All-Union Communist Party, developing the concrete aims of the dictatorship of the proletariat with reference to Russia, the chief characteristic of which is that the majority of the population consists of petty-bourgeois strata, defines these aims as follows:

GENERAL POLITICS

1. A bourgeois republic, even the most democratic, sanctified by such watch-words as "will of the people," "will of the nation," "no class privilege," remains in fact, owing to the existence of private property in land and other means of production, the dictatorship of the bourgeoisie, an instrument for exploitation and oppression of the broad masses of workers by a small group of capitalists. In opposition to this, proletarian or Soviet democracy transformed mass organizations precisely of the classes oppressed by capitalism, of proletarians and poorest peasantry or semi-proletarians, i.e., the vast majority of the population, into a single and permanent basis of the state apparatus, local and central. By this act, the Soviet State realized among other things local and regional autonomy without the appointment of authorities from above, on a much wider scale than is practised anywhere. The aim of the Party is to exert the greatest efforts in order to realize fully this highest type of democracy, which to function accurately requires a continually rising standard of culture, organization and activity on the part of the masses.

2. In contrast to bourgeois democracy, which concealed the class character of the state, the Soviet authority openly acknowledges that every state must inevitably bear a class character until the division of society into classes has been abolished and all government authority disappears. By its very nature, the Soviet state directs itself to the suppression of the resistance of the exploiters, and the Soviet constitution does not stop at depriving the exploiters of their political rights, bearing in mind that any kind of freedom is a deception if it is opposed to the emancipation of labor from the yoke of capital. The aim of the Party of the proletariat consists in carrying on a determined suppression of the resistance of the exploiters, in struggling against the deeply rooted prejudices concerning the absolute character of bourgeois rights and freedom, and at the same time explaining that deprivation of political rights and any kind of limitation of freedom are necessary as temporary measures in order to defeat the attempts of the exploiters to retain or to re-

establish their privileges. With the disappearance of the possibility of the exploitation of one human being by another, the necessity for these measures will also gradually disappear and the Party will aim to reduce and completely abolish them.

3. Bourgeois democracy has limited itself to formally extending political rights and freedom, such as the right of combination, freedom of speech, freedom of press, equality of citizenship. In practice, however, particularly in view of the economic slavery of the working masses, it was impossible for the workers to enjoy these rights and privileges to any great extent under bourgeois democracy.

Proletarian democracy on the contrary, instead of formally proclaiming those rights and freedoms, actually grants them first of all to those classes which have been oppressed by capitalism, i.e., to the proletariat and to the peasantry. For that purpose the Soviet state expropriates premises, printing offices, supplies of paper, etc., from the bourgeoisie, placing these at the disposal of the working masses and their organizations. The aim of the All-Union Communist Party is to encourage the working masses to enjoy democratic rights and liberties, and to offer them every opportunity for doing so.

4. Bourgeois democracy through the ages proclaimed equality of persons, irrespective of religion, race or nationality and the equality of the sexes, but capitalism prevented the realization of this equality and in its imperialist stage developed race and national suppression. The Soviet Government, by being the authority of the toilers, for the first time in history could in all spheres of life realize this equality, destroying the last traces of woman's inequality in the sphere of marriage and the family. At the present moment the work of the Party is principally intellectual and educational with the aim of abolishing the last traces of former inequality and prejudices, especially among the backward sections of the proletariat and peasantry.

The Party's aim is not to limit itself to the formal proclamation of woman's equality, but to liberate woman from all the burdens of antiquated methods of housekeeping, by replacing them by house-communes, public kitchens, central laundries, nurseries, etc.

5. The Soviet Government, guaranteeing to the working masses incomparably more opportunities to vote and to recall their delegates in the most easy and accessible manner, than they possessed under bourgeois democracy and parliamentarism, at the same time abolishes all the negative features of parliamentarism, especially the separation of legislative and executive powers, the isolation of the representative institutions from the masses, etc.

In the Soviet state not a territorial district, but a productive unit (factory, mill) forms the electoral unit and the unit of the state. The state apparatus is thus brought near to the masses.

The aim of the Party consists in endeavoring to bring the Government apparatus into still closer contact with the masses, for the purpose of realizing democracy more fully and strictly in practice, by making Government officials responsible to, and placing them under the control of, the masses.

6. The Soviet state includes in its organs—the Soviets—workmen and soldiers on a basis of complete equality and unity of interests whereas bourgeois democracy, in spite of all its declarations, transformed the army into an instrument of the wealthy classes, separated it from the masses, and set it against them, depriving the soldiers of any opportunity of exercising their political rights. The aim of the Party is to defend and develop this unity of the workmen and soldiers in the Soviets and to strengthen the indissoluble ties between the armed forces and the organizations of the proletariat and semi-proletariat.

7. The urban industrial proletariat, being the more concentrated, united and educated section of the toiling masses, hardened in battle, played the part of leader in the whole Revolution. This was evidenced while the Soviets were being created, as well as in the course of development of the Soviets into organs of authority. Our Soviet Constitution reflects this in certain privileges it confers upon the industrial proletariat, in comparison with the more scattered petty-bourgeois masses in the village.

The All-Union Communist Party, explaining the temporary character of these privileges, which are historically connected

with the difficulties of socialist organization of the village, must try undeviatingly and systematically to use this position of the industrial proletariat in order closer to unite the backward and the scattered masses of the village proletarians and semi-proletarians, as well as the middle-class peasantry, as a counter-balance to narrow craft professional interests, which were fostered by capitalism among the workmen.

8. The proletarian revolution, owing to the Soviet organization of the state, was able at one stroke finally to destroy the old bourgeois, official and judicial state apparatus. The comparatively low standard of culture of the masses, the absence of necessary experience in state administration on the part of responsible workers who are elected by the masses, the pressing necessity, owing to the critical situation of engaging specialists of the old school, and the calling up to military service of the more advanced section of city workmen, all this led to the partial revival of bureaucratic practices within the Soviet system.

The All-Union Communist Party, carrying on a resolute struggle with bureaucratism, suggests the following measures for overcoming this evil:

(1) Every member of the Soviet is obliged to perform a certain duty in state administration.

(2) These duties must change in rotation, so as gradually to embrace all the branches of administrative work.

(3) All the working masses without exception must be gradually induced to take part in the work of state administration.

The complete realization of these measures will carry us in advance of the Paris Commune, and the simplification of the work of administration, together with the raising of the level of culture of the masses, will eventually lead to the abolition of state authority.

RELATIONS OF NATIONALITIES

9. With reference to the nationality question the All-Union Communist Party is guided by the following theses:

(1) The principal aim is to bring into closer relations the proletarians and semi-proletarians of different nationalities, for

the purpose of carrying on a general revolutionary struggle for the overthrow of the landlords and the bourgeoisie.

(2) In order to remove mistrust on the part of the working masses of the oppressed countries toward the proletariat of those states which formerly oppressed them, it is necessary to abolish all privileges of any national group, to proclaim the fullest equality of all nationalities and to recognize the rights of colonies and oppressed nations to political separation.

(3) For the same purpose, as a temporary measure toward achieving the unity of nations, the Party suggests a federative combination of all states organized on the Soviet basis.

(4) The All-Union Communist Party regards the question as to which class expresses the desire of a nation for separation, from a historical class point of view, taking into consideration the level of historical development of the nation, i.e., whether the nation is passing from medievalism toward bourgeois democracy or from bourgeois democracy toward Soviet or proletarian democracy etc.

In any case, particular care and attention must be exercised by the proletariat of those nations which were oppressing nations, toward the prevailing national feelings of the working masses of the oppressed nations, or nations which are limited in their rights. Only by such a policy is it possible to create favorable conditions for a voluntary and real unity of different national elements of the international proletariat, as has been proved by the combination of different national Soviet republics around Soviet Russia.

MILITARY AFFAIRS

10. The aims of the Party with reference to military matters are defined by the following fundamental theses:

(1) In the period when imperialism is decaying and civil war is spreading, it is possible neither to retain the old army nor to construct a new one on a so-called national and non-class basis. The Red Army, as the instrument of the proletarian dictatorship, is compelled to have an undisguised class character, i.e., its ranks must be filled exclusively with proletarians

and semi-proletarian sections of the peasantry. Only with the abolition of classes will this kind of army be transformed into a national socialist militia.

(2) All proletarians and semi-proletarians must undergo a thorough course of military training. Military training must be introduced into the schools.

(3) The work of military training and of education of the Red Army is conducted on the basis of class solidarity and socialist education. Therefore, political commissaries, chosen from devoted and trustworthy communists are as necessary as military chiefs, and communist groups must be organized in all sections of the army, in order to establish class conscious discipline and an intellectual link with the Party.

(4) As a counter-balance to the old order of things in the army, the following changes are necessary: shorter periods of barrack training, barracks to be nearer to the type of military and military-political schools, closer connection between military formations and mills, factories, trade unions and organizations of the poorest peasantry.

(5) Only commanding corps of which at first at least the lower ranks are drawn from among class-conscious workmen and peasants, can give the necessary organization and stability to the young revolutionary army. Therefore, one of the principal aims in the construction of the army is the training of the most energetic and capable soldiers devoted to the cause of socialism, for the duties of commanders.

(6) It is necessary to make use of, and adopt on a wide scale, the practical and technical experience of the last world war. In connection with this it is necessary to attract military specialists who have gone through the training of the old army, for the organization of the army and for conducting military operations. At the same time this use of military specialists may be made on condition that political guidance and full control over military officials is concentrated in the hands of the working class.

(7) The demand that the commanding corps should be elective had great significance with reference to the bourgeois army

where the military commanders were selected and trained to become an instrument of class oppression of soldiers, and through them of the working masses. This demand has no significance with reference to the Red Army, composed of class-conscious workmen and peasants. The possibility of combining the election and appointment of the commanders of the revolutionary class army is determined exclusively by practical considerations, and depends upon the standard of organization attained, the degree of solidarity of the parts of the army, the effective supply of commanders, etc.

JURISPRUDENCE

11. Proletarian democracy, taking power into its own hands and finally abolishing the organs of domination of the bourgeoisie—the former courts of justice—has replaced the formula of bourgeois democracy: “judges elected by the people” by the class watchword: “judges elected from the working masses and only by the working masses,” and has applied the latter in the organization of law courts, having extended equal rights to both sexes, both in the election of judges and in the exercise of the functions of judges.

In order to induce the broad masses of the proletariat and the poorest peasantry to take part in the administration of justice, a bench of jury-judges sitting in rotation under the guidance of a permanent judge is introduced and various labor organizations and trade unions must impanel their delegates.

The Soviet Government has replaced the former endless series of courts of justice with their various divisions, by a very simplified, uniform system of Peoples' Courts, accessible to the population, and freed of all useless formalities of procedure.

The Soviet Government, abolishing all the laws of the overthrown Governments, commissioned the judges elected by the Soviets to carry out the will of the proletariat in compliance with its decrees, and in cases of absence or incompleteness of decrees, to be guided by socialist conscience.

Constructed on such a basis, the courts of justice have already

led to a fundamental alteration of the character of punishment, introducing conditional sentences on a wide scale, applying public censure as a form of punishment, replacing imprisonment by obligatory labor with the retention of freedom, and prisons by institutions for training, and applying the principle of comradely tribunals.

The All-Union Communist Party, in order to assist the further development of the courts of justice on these lines, will strive to induce all workmen without exception to perform judicial duties and finally replace the system of punishment by measures of an educational character.

PUBLIC EDUCATION

12. The All-Union Communist Party in the field of education sets itself the task of bringing to fulfillment the work begun by the October Revolution of 1917, of transforming the school from an instrument of class domination of the bourgeoisie into an instrument for the abolition of the class divisions of society, into an instrument for a communist regeneration of society.

In the period of the dictatorship of the proletariat, i.e., in the period of preparation of conditions suitable for the realization of communism, the school must be not only the conductor of communist principles, but it must become the conductor of the intellectual, organizational and educational influences of the proletariat, to the semi-proletariat and non-proletarian sections of the toiling masses, in order to educate a generation capable of establishing communism. The immediate aim in this direction is at the present time the further development of the following principles of school and educational work, already established by the Soviet Government:

(1) The introduction of free and compulsory general and technical education (instruction in the theory and practice of the principal branches of production) for all children of both sexes up to the age of 17.

(2) The establishment of a system of pre-school institutions: nurseries, kindergartens, homes, etc., to improve the social development of women and assist in their emancipation.

(3) Full realization of the principle of a uniform industrial school with instruction in the native language, with co-education for children of both sexes, free from religious influence; a school where tuition is closely connected with socially useful labor and which prepares members of a communist society.

(4) The supply of all pupils with food, clothes, boots and school appliances at the cost of the state.

(5) The preparation of a new staff of teachers who are imbued with the ideas of communism.

(6) Bringing the toiling masses to take an active part in educational work (the development of councils of public education, mobilization of educated people, etc.).

(7) General state assistance to self-education and the intellectual development of workers and peasants (creation of a system of institutions for education outside of the schools, such as libraries, schools for adults, people's palaces and universities, courses of lectures, cinemas, studios, etc.).

(8) Spreading on a large scale of professional education for persons from the age of 17, in connection with technical knowledge.

(9) Making all universities accessible to all desiring to study, particularly to workmen; attracting all people able to lecture to become instructors in these universities; abolishing all artificial barriers standing in the way of young scientists reaching professorial chairs; financial support of students in order to offer the proletarians and the peasants the fullest opportunity to take advantage of the universities.

(10) Opening and making accessible to the toiling classes all the art treasures which were created by the exploitation of their labor, and which were formerly at the exclusive disposal of the exploiters.

(11) The development of the propaganda of communist ideas on a wide scale and for that purpose the utilization of state resources and apparatus.

RELIGION

13. With reference to religion, the All-Union Communist Party does not content itself with the already decreed separation of church from state, i.e., measures which are one of the items of the programs of bourgeois democracy, which was, however, never fulfilled owing to many and various ties binding capital with religious propaganda.

The All-Union Communist Party is guided by the conviction that only the realization of conscious and systematic social and economic activity of the masses will lead to the disappearance of religious prejudices. The aim of the Party is finally to destroy the ties between the exploiting classes and the organization of religious propaganda, at the same time helping the toiling masses actually to liberate their minds from religious superstitions, and organizing on a wide scale scientific-educational and anti-religious propaganda. It is however necessary carefully to avoid offending the religious susceptibilities of believers, which leads only to the strengthening of religious fanaticism.

ECONOMICS

1. Undeviatingly to continue and finally to realize the expropriation of the bourgeoisie which was begun and which has already been largely completed, the transforming of all means of production and exchange into the property of the Soviet republic, i.e., the common property of all toilers.

2. All possible increase of the productive forces of the country must be considered the fundamental and principal point upon which the economic policy of the Soviet Government is based. In view of the disorganization of the country, everything in other spheres of life must be subordinated to the practical aim immediately and at all costs to increase the quantity of products required by the population. The successful functioning of every Soviet institution connected with public economy must be gauged by the practical results in this direction.

At the same time it is necessary in the first place to pay attention to the following:

3. The decaying imperialist system of economy left to the Soviet state a heritage of chaos in the organization and management of production, which hampered it in the first period of construction. The more imperative therefore becomes the fundamental task of concentrating all the economic activity of the country according to a general state plan; the greatest concentration of production for the purpose of amalgamating it into various branches and groups of branches, and centralizing it in the most productive units, and for the purpose of rapidity in carrying out economic achievements; the most efficient arrangement of the productive apparatus and a rational and economical utilization of all material resources of the country.

It is necessary to extend economic co-operation and political ties with other nations, and try at the same time to establish a general economic plan with those which have already adopted the Soviet system.

4. It is necessary to utilize small-scale and handicraft industry to the widest extent by placing Government orders with handicraftsmen; to include handicraft and small-scale industry in the general scheme of supplying raw materials and fuel, as well as financial assistance, on condition that individual handicraftsmen, handicraft associations, productive co-operative societies and small enterprises amalgamate into large productive and industrial units; to encourage such amalgamations by offering them economic privileges, which together with other measures are aimed at defeating the aspirations of the handicraftsmen to become small manufacturers, and thus painlessly replace the backward forms of production by a higher form of large-scale mechanized industry.

5. The organizing apparatus of socialized industry must first of all rest upon the trade unions. The latter must free themselves from their narrow guild outlook and transform themselves into large productive combinations which will unite the majority, and finally all the workmen of a given branch of production.

Trade unions, being already according to the laws of the Soviet Republic and established practice participants in all local and central organs for managing industry, must actually con-

centrate in their hands the management of the whole system of public economy as an economic unit. The trade unions, thus securing an indissoluble union between the central state administration, the public system of economy and the masses of toilers must induce the latter to take part in the immediate management of production. The participation of trade unions in the management of production and the attraction by them of the broad masses are, moreover, the principal means to carry on a struggle against bureaucracy in the economic apparatus of the Soviet state, and afford the opportunity of establishing a really democratic control over the results of production.

6. A maximum utilization of all labor power existing in the state, its regular distribution and redistribution among various territorial regions as well as among various branches of production, is necessary for the systematic development of public economy, and must be the immediate aim in the economic policy of the Soviet Government. This aim can be attained in closest co-operation with the trade unions. For the purpose of performing certain social duties, a general mobilization of all capable of work must be carried out by the Soviet Government, aided by the trade unions, on a much wider scale and more systematically than has been done hitherto.

7. In the state of the complete disorganization of the capitalist system of labor, the productive forces of the country can be restored and developed, and a socialist system of production strengthened, only on the basis of the comradely discipline of toilers, maximum activity on their part, responsibility and the strictest mutual control over the productivity of labor.

Persistent systematic effort directed to the re-education of the masses is necessary to attain this aim. This work is now made easier as the masses in reality see the abolition of capitalists, landowners, and merchants, and from their own experience draw the conclusion that the level of their prosperity depends entirely upon the productivity of their own labor.

The trade unions play the principal part in the work of establishing a new socialist discipline. Breaking with old conventions, they must put into practice and try various measures, such as the establishment of control, standards of production, the

introduction of responsibility of the workmen before special labor tribunals, etc., for the realization of this aim.

8. Moreover, for the development of the productive forces the immediate wide and full utilization of all specialists in science and technology left to us by capitalism, is necessary, in spite of the fact that the majority of the latter are inevitably imbued with bourgeois ideas and habits. The Party considers that the period of sharp struggle with this group, owing to organized sabotage on their part, is ended as the sabotage is in the main subdued. The Party, in closest contact with the trade unions, will follow its former line of action, i.e., on the one hand it will make no political concessions to this bourgeois section and mercilessly suppress any counter-revolutionary moves on its part, and on the other hand it will carry on a merciless struggle against the pseudo-radical, but in reality, ignorant and conceited opinion that the working class can overcome capitalism and the bourgeois order without the aid of bourgeois specialists or taking advantage of their knowledge, without passing, together with them, through a thorough schooling of hard work.

While striving toward equal remuneration of labor and to realize communism, the Soviet Government does not regard the immediate realization of such equality possible at the moment, when only the first steps are being taken towards replacing capitalism by communism. It is therefore necessary to maintain a higher remuneration for specialists in order that they should work not worse but better than before, and for that purpose it is not possible to abandon the system of bonuses for the most successful, particularly for work of organization.

To the same degree, it is necessary to place the bourgeois experts in a setting of comradely common effort, working hand in hand with the mass of average workers, led by class conscious communists, and thus to assist the mutual understanding and unity between manual and intellectual workers formerly separated by capitalism.

9. The Soviet authority has already adopted a number of measures directed to the development of science and for bringing it into closer contact with production, viz.: the creation of a

number of new scientific institutions, laboratories, stations for research and experimental production, in order to verify new technical methods, improvements and inventions, taking stock of and organizing all scientific forces. The All-Union Communist Party, supporting all these measures, strives to attain their further development and to create more favorable conditions for scientific work in connection with the increase of the productive forces of the country.

AGRICULTURE, RURAL ECONOMY

10. The Soviet Government, having carried out the complete abolition of private property in land, has already begun to carry out a series of measures directed to the organization of socialist agriculture on a wide scale. The principal measures are the following: (1) The establishment of Soviet farms, i.e., large socialist economic enterprises; (2) Assistance to societies as well as associations for common land cultivation; (3) Organization by the state of the cultivation of all uncultivated acreage; (4) State mobilization of all agricultural forces for the purpose of taking the most energetic measures to increase agricultural productivity; (5) The support of agricultural communes as absolutely voluntary associations of agricultural laborers for the purpose of conducting a communal system of economy on a large scale.

The All-Union Communist Party, considering all these measures as the only way toward the absolutely indispensable increase of productivity of agricultural labor, strives to extend them to the more backward regions of the country, and as further steps in this direction the All-Union Communist Party particularly supports:

(1) All possible encouragement by the state of agricultural co-operative societies engaged in the processing of agricultural products.

(2) The introduction of a system of melioration on a wide scale.

(3) The systematic supply on a wide scale of agricultural implements through special establishments, to the poorest and the middle-class peasantry.

The All-Union Communist Party, taking into consideration that the small-scale system of agriculture will continue for a considerable time, strives to carry out a series of measures directed to the increase of productivity of the peasant enterprise. The measures are: (1) The regulation of the exploitation of land by the peasants (abolition of scattered fields, etc.); (2) The supply to the peasantry of improved seeds and artificial manure; (3) The improvement of the breed of cattle; (4) The dissemination of agricultural information; (5) Agricultural aid to the peasantry; (6) The repair of peasants' agricultural implements in Soviet workshops; (7) The establishment of loan centers, experimental stations, exhibition-fields, etc.; (8) The improvement of peasant lands.

11. The opposition between the town and the village is one of the chief causes of the economic and cultural backwardness of the village. In periods of serious crisis, such as the present, this opposition places the town as well as the village before the immediate danger of degeneration and destruction. The All-Union Communist Party sees in the abolition of this opposition one of the principal tasks of communist construction, and among other measures considers essential the systematic attraction of industrial workmen to communist construction in agriculture, and greater activity on the part of the already established "Workmen's Committees of Assistance," etc.

12. The All-Union Communist Party in its work in the village, as formerly, looks for support to the proletarian and semi-proletarian groups in it, and in the first place organizes these into an independent force, creating Party circles in the village, organizations of the rural poor, special types of trade unions of village proletarians and semi-proletarians, and so on, bringing them into closer contact with the urban proletarians, freeing them from the influence of the rural bourgeoisie and the interests of small property-holders.

The relation of the All-Union Communist Party to the rural

bourgeois elements is one of carrying on a resolute struggle against their attempts at exploitation, and suppressing their resistance to the Soviet policy.

The policy of the All-Union Communist Party with reference to the middle-class peasantry consists in gradually and systematically attracting it to the work of socialist construction. The Party's aim is to separate this section from the *kulaks* (rich peasants), by giving consideration to its needs, to bring it over to the side of the proletariat, to struggle against its backwardness by means of education and not by means of suppression, in all cases where the vital interests of this section are involved to come to an agreement with it, making concessions to it on questions related to method of realizing socialist reorganization.

DISTRIBUTION

13. In the field of distribution, the task of the Soviet Government at the present time is undeviatingly to replace private trade by a systematic distribution of products on a national scale. The aim is to organize the population into a single network of consumers' communes, which will be able with the greatest rapidity, systematically, economically and with the least expenditure of labor, to distribute all necessary products, strictly centralizing the whole apparatus for distribution.

The already existing general and workmen's co-operative societies, which are the largest organizations of consumers and which the development of capitalism has made a most efficient apparatus for distribution on a large scale, will become the basis of the communes of consumers and their groupings.

The All-Union Communist Party, considering more correct on principle the further communist development of the co-operative apparatus and not its abolition, must systematically continue its policy: to make the work in co-operative societies obligatory for all members of the Party, to conduct them with the aid of trade unions on a communist basis, to develop among the workers in co-operative societies initiative and discipline, to strive toward the aim that the whole population belong to co-

operative societies, combined into one co-operative embracing all Soviet Russia and finally—and most essential—to see that the influence of the proletariat on other groups of toilers should always prevail, and introduce measures facilitating and realizing the transformation of petty-bourgeois co-operatives of the old capitalist type into communes of consumers conducted by the proletariat and semi-proletariat.

MONEY AND BANKING

14. The Soviet Government in Russia, avoiding the mistakes of the Paris Commune, immediately expropriated the State Bank, then proceeded to the nationalization of private commercial banks and combined the nationalized banks and savings banks with the State Bank, thus laying the foundation of a single national bank of the Soviet Republic and transforming the banks from an instrument of economic domination of financial capital and of the political domination of exploiters, into an organ of power of the workers, and a lever of economic revolution. The All-Union Communist Party considers its aim to be the final accomplishment of the work begun by the Soviet Government and regards the following principles as paramount:

- (1) The monopolization of all banking by the Soviet state.
- (2) A complete alteration and simplification of bank transactions by transforming the banks into an apparatus for uniform accounting and general book-keeping of the Soviet Republic. The organization of a systematic public economy will lead to the abolition of the bank and to the transformation of it into a central book-keeping department of the communist society.

15. In the first period of transition from capitalism to communism, while communist production and distribution of products is not yet organized, it is impossible to abolish money. Under such conditions the bourgeois sections of society are able to utilize money, which still remains private property, for the purpose of speculation, profiteering and robbery of the toilers. The All-Union Communist Party strives toward the adoption of a series of measures which will render it possible to extend the

field of operations without the aid of money and which will lead to the abolition of money, such as the compulsory depositing of money in the public bank; the introduction of budget books; the replacing of money by checks, short-term tickets for procuring products, and so on.

FINANCE

16. In the period of the beginning of the socialization of the means of production expropriated from the capitalists, the state ceases to be a parasitic apparatus ruling the process of production; it begins to become transformed into an organization performing the functions of managing the economic system of the country, and to that extent the state budget becomes the budget of public economy as a whole.

Under such circumstances the balancing of state revenues and expenditures can be realized on the condition that state production and distribution of products are arranged in the most efficient manner. The All-Union Communist Party with reference to the covering of immediate state expenditure in the period of transition, defends the transition from the system of levies imposed on the capitalists which was historically necessary and legal in the period of social revolution, to the progressive income and property tax. As this tax becomes obsolete, owing to the general expropriation of the propertied class, state expenditure must be met by the direct conversion of a part of the income derived from the various state monopolies, into state revenue.

HOUSING

17. The Soviet Government, in trying to solve the housing problem which was particularly sharpened during the war, has expropriated completely all the houses of capitalist owners, and handed them over to the municipal Soviets; has removed in mass the workmen from the suburbs into bourgeois houses; handed over the best houses to the workmen's organization, undertaking the maintenance of these at the expense of the State;

and has arranged for the supply of furniture to workmen's families.

The aim of the All-Union Communist Party is to exert the greatest effort for the improvement of the housing conditions of the toiling masses without infringing on the interests of non-capitalist home-ownership; the abolition of overcrowding in unsanitary quarters; the abolition of inadequate housing, the rebuilding of old and the building of new houses which will be in conformity with the new conditions of life of the working masses, and the rational resettlement of the working masses.

PROTECTION OF LABOR AND SOCIAL SECURITY

The establishment of the dictatorship of the proletariat for the first time made it possible to realize fully the minimum program of all socialist parties in the sphere of the protection of labor.

The Soviet Government has introduced by legislative enactment and ratified in the "Code of Labor Laws" a maximum eight-hour day for all workmen, and a six-hour day for persons under 18 years of age and those working in unhealthy branches of production, and for miners; a 42-hour uninterrupted rest every week for all toilers; the prohibition of continuous overtime; the prohibition of employment of young persons under 16; the prohibition of night work, particularly in harmful branches of production, for all women and males under 18; the exemption from work of pregnant women 8 weeks before and 8 weeks after confinement, with the maintenance of full wages together with free medical assistance and medicine; permission to working women of not less than half an hour every 3 hours for nursing their babies, and supplementary subsidies to all nursing mothers; factory and sanitary inspection elected by the trade union councils.

The Soviet Government by legislative enactment has introduced complete social maintenance of all workmen not exploiting the labor of others, and in all cases of loss of capacity for work, and—for the first time in the world—has introduced un-

employment insurance of workmen at the cost of employers and of the state, granting complete self-administration to those who are maintained and with the participation of trade unions.

Moreover the Soviet Government in some respects has gone further than the minimum program and provided in the same "Code of Labor Laws" for the participation of the workmen's organizations in the discussion of questions referring to the hiring and discharging of workmen; a month's holiday for all workmen who have worked continually for not less than a year, with the maintenance of wages; the state regulation of wages according to rates worked out by trade unions; the duty of certain organs such as the Soviet and trade union departments for the distribution and regulation of labor power, to provide work for unemployed workmen.

The extreme destruction caused by the war and the pressure of world imperialism have compelled the Soviet Government to depart from the code in the following instances: to allow overtime in exceptional cases, but not exceeding 50 days in the course of one year; to permit youths between 14 and 16 to work, but the length of their working day not to exceed 4 hours; temporarily to reduce holidays from a month to a fortnight; to increase the hours of night work to 7.

The All-Union Communist Party must carry on an extensive propaganda for the participation of all workmen in the realization of all these measures for the protection of labor, for which purpose it is necessary:

(1) To make the work of organization and extension of labor inspection more intensive by choosing and preparing for that purpose active workers from among the workmen and to extend inspection to small-scale and home industry.

(2) To abolish completely child labor and further to decrease the working hours for young persons.

In addition the All-Union Communist Party's task is to establish:

(1) With the general increase of productivity of labor the six-hour working day as a maximum without reduction of wages, but on condition that all workers must devote two hours' overtime without pay to the study of the theory of trade and indus-

try, to practical training for state administration and to military drill.

(2) The introduction of the premium bonus system for the increase of labor productivity.

The All-Union Communist Party in the sphere of social security strives to organize on a large scale the state support not only of war victims and victims of various catastrophes, but the victims of abnormal social relations. The Party also conducts a struggle against parasitism and idleness and sets itself the task of bringing back to a life of work any who have been dislodged from work.

PROTECTION OF PUBLIC HEALTH

The All-Union Communist Party proposes as the starting point in its work for the protection of public health, the realization of sanitary measures on a large scale for the purpose of preventing the spreading of disease. The dictatorship of the proletariat has already made it possible to carry out a series of measures, the realization of which was impossible in bourgeois society: the nationalization of drug stores, of large private medical institutions, of health resorts, compulsory work for all medical men and women, and so on.

In conformity with the above the All-Union Communist Party sets as its immediate task:

(1) To carry out in the interests of the toilers, sanitary measures on a large scale, such as:

- (a) Sanitation of centers of population (guarding of soil, water and air).
- (b) Setting up communal feeding on a scientific and hygienic basis.
- (c) The organization of measures preventing the development and spreading of infectious diseases.
- (d) The introduction of sanitary legislation.

(2) The struggle with social diseases (consumption, venereal diseases, alcoholism, etc.).

(3) Free trained medical assistance and medical supplies accessible to all.

II

THE RULES OF THE COMMUNIST PARTY OF THE SOVIET UNION

[The Rules of the Party are given here as adopted by the XVII Congress of the Party (February 10, 1934). These Rules have been changed from time to time in certain details, but the general structural features of the Party have remained the same. The special rôle of the Party in the Revolution and the Soviet system has led to the setting up of this peculiar type of organization, differing radically from the political parties of western parliamentary systems.

These Rules are published in small vest-pocket booklets in large editions. The translation used here is from these Moscow editions, compared with that of the volume *Socialism Victorious* (printed in the Union of Soviet Socialist Republics and published by International Publishers, New York). This volume gives the most important speeches and reports delivered at the XVII Congress of the Party (January 26-February 10, 1934). For the text of the Rules of the Party as adopted at the XIV Congress in December 1925, see: Batsell, W. R., *Soviet Rule in Russia*, pp. 735-754 (Macmillan); also *New York Times Current History*, February 1927, 714-721.]

The All-Union Communist Party (Bolsheviks), being a section of the Communist International, is the organized vanguard of the proletariat of the Union of Soviet Socialist Republics (USSR), the highest form of its class organization.

The Party effects the leadership of the proletariat, the toiling peasantry and all toiling masses in the struggle for the dictatorship of the proletariat, for the victory of socialism.

The Party leads all organs of the proletarian dictatorship and ensures the successful construction of socialist society.

The Party is a unified militant organization held together by conscious, iron proletarian discipline. The Party is strong because of its coherence, unity of will and unity of action which are incompatible with any deviation from its program, with any violation of Party discipline or with factional groupings within the Party. The Party demands from all its members active and self-sacrificing work to carry out the program and rules of the Party, to fulfil all decisions of the Party and its organs, to ensure unity within the Party and the consolidation of the fraternal international relations among the toilers of the nationalities of the USSR as well as among the proletarians of the whole world.

I. PARTY MEMBERS AND THEIR DUTIES

1. A Party member is anyone who accepts the program of the Party, who works in one of its organizations, submits to its decisions and pays membership dues.

2. It is the duty of a Party member:

(a) To observe strict Party discipline, to take an active part in the political life of the Party and of the country, and to carry out in practice the policy of the Party and the decisions of the Party organs;

(b) To work untiringly to raise his ideological equipment, to master the principles of Marxism-Leninism, and the important political and organizational decisions of the Party and to explain these to the non-party masses;

(c) As a member of the ruling party in the Soviet state, to set an example in the observance of labor and state discipline, master the technique of his work, and continually raise his production and work qualifications.

3. Members are admitted to the Party only individually. New members are admitted from among the candidates who have gone through a specified period of candidateship (probation), who have graduated from a school of political training and who have mastered the program and the rules of the

Party. Workers, collective farmers, Red Army men, students and employees who have proved their worth in their work in sympathizers' groups, in the Soviets, trade unions, Communist Union of Youth, co-operative organizations or delegates' meetings may be admitted to Party membership after the receipt of an informative statement of the organization where the applicant worked or is working.

The procedure in admitting Party members from among the candidates is as follows:

(a) Four categories are laid down: (1) Industrial workers with a production record of not less than five years; (2) industrial workers with a production record of less than five years, agricultural workers, Red Army men from among workers or collective farmers, and engineers and technicians working directly in shops or sectors, (3) collective farmers, members of handicraft or artisan co-operatives and elementary school teachers; (4) other employees.

(b) To be admitted into the Party, persons in the first category must submit three recommendations of Party members of five-years' Party standing; persons in the second category—five recommendations of Party members of five-years' Party standing and the recommendation of a representative of the political department of the machine-tractor station or of the district committee; persons in the fourth category—five recommendations of Party members of ten-years' Party standing.

Note: When members of the Communist Union of Youth falling under any category are admitted to the Party, the recommendation of the district committee of the All-Union Leninist Communist Union of Youth is treated as equivalent to the recommendations of two Party members.

(c) Former members of other parties are admitted in exceptional cases on the recommendation of five Party members, three of whom must be of ten-years' Party standing and two of pre-revolutionary Party standing, and only through an industrial primary organization; the admission of such a candidate must be endorsed by the Central Committee of the Party, irrespective of the social status of the applicant.

Note: The Central Committee may delegate the right of final endorsement of former members of other parties to the respective regional Party committee or the Central Committee of the national Communist Parties.

(d) The verification of recommendations must precede admission and is the duty of the local Party committee.

(e) The question of admission to the Party is preliminarily considered by the primary Party organization, is decided by the general meeting of the organization and goes into effect on the endorsement: for the first and second categories—by the district or city committee; for the third and fourth categories—by the regional committee or the Central Committee of the respective national Communist Party.

(f) Young persons up to and including the age of twenty may join the Party only through the All-Union Leninist Communist Union of Youth.

4. Persons recommending applicants for admission are responsible for those they recommend. Those giving unsound recommendations are liable to Party penalties including expulsion from the Party.

5. The Party standing of applicants admitted from candidacy to Party membership is calculated from the date of the general meeting of the primary Party organization at which the motion confirming the comrade in question as Party member was passed.

6. Every member of any Party organization who removes to a locality covered by another Party organization is registered as a member of the latter.

Note: The transfer of Party members from one organization to another is effected in accordance with the regulations laid down by the Central Committee of the Party.

7. Party members and candidates who have failed to pay their membership dues for three months without sufficient cause are regarded as having dropped out of the Party and notice of this must be conveyed to the general membership meeting of the primary organization.

8. The question of the expulsion of any member from the Party is decided by the general meeting of the Party organization to which the member belongs and must be approved, for the first and second categories—by the regional committee, and for the third and fourth categories—by the district or city committee. The person in question is removed from Party work the day he is expelled by the general meeting of the Party organization or by the Party committee. Notice of expulsion of Party members must be published in the Party press, stating the reasons for the expulsion.

9. By periodic decisions of the Central Committee of the Party, purgings are held for the systematic cleansing of the Party of:

Class-alien and hostile elements;

Double-dealers who deceive the Party and who conceal their real views from it and who disrupt the policy of the Party;

Overt and covert violators of the iron discipline of the Party and of the State;

Degenerates who have coalesced with bourgeois elements;

Careerists, self-seekers and bureaucratized elements;

Morally degraded persons who by their improper conduct lower the dignity of the Party and besmirch the banner of the Party;

Passive elements who do not fulfill the duties of Party members and who have not mastered the program, the rules and the most important decisions of the Party.

11. CANDIDATES FOR PARTY MEMBERSHIP

10. All persons desirous of joining the Party must pass through a period of candidateship, the object of which is to give them an opportunity to become thoroughly acquainted with the program, the rules and the tactics of the Party and to test the personal qualities of the candidates.

11. The method of admission of candidates (division into categories, character of recommendations and their verification, the decision of the organization on the admission and the endorsement of the Party committee) is identical with that applying to Party members.

12. The period of candidateship is fixed: for the first cate-

gory, at one year; for the second, third and fourth categories, at two years.

Note: Former members of other parties, irrespective of their social status, have to go through a three-year period of candidacy.

13. Candidates for the Party take part in the meetings of the organization to which they belong, at which they have a consultative voice.

14. Candidates pay the usual membership dues into the treasury of the local Party committee.

III. SYMPATHIZERS' GROUPS

15. In order to organize around the Party the non-Party active workers nearest to the Party, who have shown in practice their devotion to the Party but who have not yet been trained for admission into the Party, sympathizers' groups of the Party which must submit unconditionally to all the decisions of the Party organs, are created and attached to the primary Party organizations.

16. Applicants are admitted to sympathizers' groups by decision of the factory, office or other Party committee; or of the machine-tractor station, Soviet farm or railway transport political department, upon the recommendation of two Party members.

17. It is the duty of those who have been organized in sympathizers' groups of the Party to attend all open Party meetings, at which they enjoy the right of a consultative voice, to wage an active struggle for the fulfillment of the decisions of the Party and the Government and to work systematically under the leadership of the Party organizations to raise their ideological and political level.

IV. THE ORGANIZATIONAL STRUCTURE OF THE PARTY

18. The guiding principle of the organizational structure of the Party is democratic centralism, which signifies:

(a) The application of the elective principle to all leading organs of the Party, from the highest to the lowest;

(b) The periodic accountability of the Party organs to their respective Party organizations;

(c) Strict Party discipline and subordination of the minority to the majority;

(d) The absolutely binding character of the decisions of the higher organs upon the lower organs and upon all Party members.

19. The Party is built on the basis of democratic centralism according to the territorial-production principle: the organization serving a certain area is regarded as superior to any organization serving part of the same area; or an organization serving a whole branch of production or administration is regarded as superior to any organization serving part of the same branch.

20. All Party organizations are autonomous in deciding local questions in so far as these decisions do not conflict with any decision of the Party.

21. The highest leading body of each organization is the general meeting, conference or congress.

22. The general meeting, conference or congress elects a committee which acts as its executive organ and guides all the current work of the respective organization.

23. The scheme of the Party organization is as follows:

(a) USSR—All-Union Congress—Central Committee of the Party;

(b) Regions (*oblast* and *krai*), republics—Regional Conferences, Congresses of the national Communist Parties—Regional Committees, Central Committees of the national Communist Parties;

(c) Cities, districts—city, district conferences—city, district committees;

(d) Factories, villages, collective farms, machine-tractor stations, Red Army units, offices—general meetings, primary Party organization conferences—primary Party committees (mill Party committee, factory Party committee, Red Army unit Party bureau, etc.).

24. The order of subordination, of accountability, of the issuance of and exception to Party decisions (from the last to the first instance) is as follows: the All-Union Congress, the Central Committee of the Communist Party of the Soviet Union, the Regional Conference, the Conference or the Congress of the national Communist Party, the Regional Committee, the Central Committee of the national Communist Party, the City, District Conference, the City, District Committee, etc.

25. For the practical work of carrying out the directives and decisions of the Party (and in supervising their fulfillment by the Soviet and economic organs and the lower Party organizations), integral departments by fields of production are created in the regional committees, the central committees of the national Communist Parties and the Central Committee of the Party.

In the Central Committee of the Party:

(a) Agricultural, (b) Industrial, (c) Transport, (d) Planning, Finance and Trading, (e) Political-Administrative, (f) of Leading Party Organs, (g) of Culture and Propaganda of Leninism, (h) the Marx-Engels-Lenin Institute (and two sectors—a General Manager's Sector and a Special Sector).

In the regional committees and the central committees of the national Communist Parties:

(a) Agricultural, (b) Industrial and Transport, (c) Soviet Trade, (d) of Culture and Propaganda of Leninism, (e) of Leading Party Organs (city and district) and a Special Sector.

All the work in any branch is concentrated in its entirety in the corresponding production-branch department: the Party organizational work, the distribution and preparation of cadres, mass agitational work, production propaganda, attention to the fulfillment of Party decisions by the corresponding Soviet and economic organs and Party organizations.

26. Every Party organization, once it is finally confirmed, has the right to have its own seal, but only with the sanction of the corresponding superior Party organization.

V. THE CENTRAL INSTITUTIONS OF THE PARTY

27. The supreme body of the Party is the Congress. Regular sessions are convened not less than once in three years. Special congresses are called by the Central Committee on its own initiative, or at the demand of not less than one-third of the total membership represented at the preceding Party Congress. Notice of the convocation of the Party Congress and of its agenda must be given not later than a month and a half before the Congress. Special congresses must be convened within two months.

The Congress is regarded as valid if the delegates attending represent not less than half the total membership of the Party represented at the preceding regular congress.

The apportionment of representatives of the Party Congress is laid down by the Central Committee.

28. In case the Central Committee fails to call a special congress within the period stated in paragraph 27, the organizations which demanded it have the right to form an organizational committee enjoying the rights of a Central Committee as regards the convocation of the congress.

29. The Congress:

(a) Hears and approves the reports of the Central Committee, of the Commission of Party Control, of the Central Auditing Commission and of other central organizations;

(b) Revises and amends the program and rules of the Party;

(c) Determines the tactical line of the Party on the principal questions of current policy;

(d) Elects a Central Committee, a Commission of Party Control, a Central Auditing Commission, and nominates the members of the Commission of Soviet Control to be submitted for approval to the Central Executive Committee and the Council of People's Commissars of the USSR.

30. The number of members to be elected to the Central Committee and to the other central organizations is determined by the Congress. In the event of members dropping out of the Central Committee, their places are taken by alternate mem-

bers elected by the Congress in the order determined by the Congress.

31. The Central Committee holds not less than one plenary session every four months. The Central Committee alternates attend the plenary session of the Central Committee at which they have a consultative voice.

32. The Central Committee organizes a Political Bureau for political work, an Organizational Bureau for the general guidance of the organizational work, and a Secretariat for current work of an organizational or executive nature.

33. The Central Committee, during the interval between congresses, guides the entire work of the Party, represents the Party in its relations with other parties, organizations and institutions, forms various Party institutions and guides their activities, appoints the editorial staffs of the central organs working under its control and confirms the appointment of the editors of the Party organs of large local organizations, organizes and manages enterprises of public importance, distributes the forces and resources of the Party and manages the central funds.

The Central Committee directs the work of the central Soviet and public organizations through the Party groups in them.

34. In order to strengthen the Bolshevik leadership and political work, the Central Committee has the right to create political departments and to assign Party organizers of the Central Committee to lagging sectors of socialist construction which have acquired special importance for the national economy and the country as a whole; and, in proportion as the political departments fulfill their urgent tasks, to convert them into ordinary Party organs constructed on the productional-territorial principle.

The political departments have the same rights as the corresponding Party industrial committees and are guided directly by the Central Committee of the Party through the production-branch departments of the Central Committee or through specially organized political boards or political sectors.

35. The Central Committee keeps the Party organizations regularly informed of its work.

36. The Commission of Party Control:

(a) Controls the fulfillment of decisions of the Party and of the Central Committee of the Party;

(b) Brings proceedings against those who have violated Party discipline;

(c) Brings proceedings against those who have violated Party ethics.

37. The Central Auditing Commission:

(a) Reviews the proper and expeditious handling of affairs by the central organs of the Party and the proper working of the apparatus of the Secretariat of the Central Committee of the Party;

(b) Audits the accounts of the treasury and the enterprises of the Central Committee of the Party.

VI. THE REGIONAL AND REPUBLIC ORGANIZATIONS OF THE PARTY

38. The highest organ of the regional or republic Party organizations is the Regional Party Conference or the Congress of the national Communist Party, and in the interval between them—the Regional Committee or the Central Committee of the national Communist Party. They are guided in their activities by the general decisions of the Communist Party of the Soviet Union and its leading organs.

39. Regular Regional Conferences or Congresses of the national Communist Parties are called once every year and a half by the respective Regional Committee or Central Committee of the national Communist Party, while special conferences or congresses are called by decision of the Regional Committee or the Central Committee of the national Communist Party, or at the demand of one third of the total membership of the organizations in the region or republic.

The apportionment of the representatives at the Regional Conferences or Congresses of national Communist parties is determined by the respective Regional Committee or Central Committee of the national Communist Party.

The Regional Conference or the Congress of the national Communist Party hears and adopts the reports of the Regional Committee, of the Central Committee of the national Communist Party, of the Auditing Commission and all the other regional institutions, discusses questions of Party, Soviet, economic and trade union work in the region or republic and elects a Regional Committee (or in the republic—a Central Committee of the respective national Communist Party), an Auditing Commission and the delegates to the All-Union Congress of the Party.

40. The Regional Committee, or in the republics—the Central Committee of the national Communist Party, appoints, for current work, corresponding executive organs to consist of not more than eleven persons to be confirmed by the Central Committee of the Party; likewise two secretaries, a first and a second secretary. The secretaries must have Party standing of not less than twelve years.

41. The Regional Committee or the Central Committee of the national Communist Party organizes various institutions of the Party within the region or republic, guides their activities, appoints the editors of the regional Party organ which works under its control, leads the Party groups in the non-Party organizations, organizes and conducts its own enterprises of general importance for the region or republic, distributes within the confines of its organization the forces and resources of the Party and manages the regional or republic Party funds.

42. The plenum of the Regional Committee or of the Central Committee of the national Communist Party is convened at least once every three months.

43. The Party organizations of the national and other regions and of autonomous republics which form part of a region or republic, work under the leadership of the respective regional committee or the Central Committee of the national Communist Party and are guided in their internal life by the regulations set forth in Section VI of the rules of the Party concerning regional and republic organizations.

VII. CITY AND DISTRICT (RURAL AND URBAN) PARTY ORGANIZATIONS

44. The City or District Party Conference is called by the City or District Committee at least once a year; a special conference—by decision of the City or District Committee or at the demand of one third of the total membership of the organizations in the city or district.

The City or District Conference hears and adopts the reports of the City or District Committee, of the Auditing Committee and all the other city or district institutions, elects the City or District Committee, the Auditing Committee and the delegates to the Regional Conference or Congress of the national Communist Party.

45. The secretary of the City Committee must be a Party member of ten-years' standing, and the secretary of the District Committee—of seven-years' standing. The secretaries of the City and District Committees are confirmed by the respective Regional Committees or the Central Committees of the national Communist Parties.

46. The City or District Committee elects a bureau consisting of from five to seven persons, organizes and confirms the primary Party organizations in enterprises, Soviet farms, machine-tractor stations, collective farms and offices, keeps a register of all communists, organizes various Party institutions within the confines of the city or district and guides their activities, appoints the editor of the city or district Party organ who works under its guidance and control, leads the Party groups in the non-party organizations, organizes its own enterprises of general importance for the city or district, distributes within the confines of the city or district the forces and resources of the Party and manages the city or district Party funds. The City or District Committee submits to the Regional Committee or to the Central Committee of the national Communist Party a report on its activities at such times and in such form as the Central Committee of the Party may specify.

47. In the large cities, district organizations subordinate to

the City Committee may be set up with the permission of the Central Committee of the Party.

VIII. PRIMARY PARTY ORGANIZATIONS

48. The primary Party organizations form the basis of the Party. Primary Party organizations are set up at mills, factories, Soviet farms and other economic enterprises, at collective farms, machine-tractor stations, Red Army units, in villages, offices, etc., if they have no less than three Party members. At factories, collective farms, offices, etc., where there are less than three Party members, candidate or Party-Communist Union of Youth groups, headed by a Party organizer appointed by the District or City Committee or the political department, are established. The primary Party organizations are confirmed by the District or City Committees or by the corresponding political departments.

49. In large factories, offices, collective farms, etc., having a great number of Communists (from 100 to 3,000 or more members), shop, sector, department, etc., Party organizations may be formed within the general primary organization which comprises the whole enterprise, office, etc., as may be required in any particular case, subject to the approval of the District or City Committee or of the corresponding political department. Brigade, machine unit, etc., Party groups of the enterprise may in their turn be established within the shop, sector, and other organizations.

50. The primary Party organization connects the mass of the workers and peasants with the leading organs of the Party. Its tasks are:

- (1) Agitational and organizational work among the masses for the Party slogans and decisions;
- (2) The attraction of sympathizers and new members and their political training;
- (3) Assistance to the City Committee or District Committee, or to the political department in its day-to-day work of organization and agitation;

(4) The mobilization of the masses at the factories, at the Soviet farms, at the collective farms, etc., for the fulfillment of the production plan, for the consolidation of labor discipline and the development of shock-brigade work;

(5) The struggle against laxity and mismanagement at the factories, on the Soviet farms, the collective farms, and day-to-day solicitude for the improvement of the living conditions of the workers and collective farmers;

(6) Active participation, as a Party organ, in the economic and political life of the country.

51. For the performance of current work the primary Party organization elects for the period of one year a Party Committee (factory committee, mill committee, etc.) to consist of no more than eleven persons, while the shop organization elects a Party organizer to be approved by the primary Party committee.

In Party organizations having less than fifteen members and candidates, no Party committees are formed but Party organizers are elected.

In primary Party committees representing not more than one hundred Party members, the Party work is conducted as a rule by workers who are not exempt from working at their regular jobs. Party committees representing up to one thousand Party members shall employ two to three paid workers who will be exempt from working at their regular jobs. Party committees representing up to three thousand or more members may employ from four to five comrades who will be exempt from working at their regular jobs.

The secretaries of primary Party committees must be Party members of at least three-years' standing and the Party organizers of at least two-years' standing.

IX. PARTY ORGANIZATIONS IN THE RED ARMY

52. The general guidance of Party work in the Red Army, in the Red Navy and Air Fleet is exercised by the Political Administration of the Workers' and Peasants' Red Army having the rights of a military department of the Central Committee of the Party. This Political Administration of the Revolutionary

Military Council of the Republic exercises its guidance through the political departments appointed by it, through military commissars and through Party commissions elected at the corresponding Army Conferences.

The Party organizations of the Red Army, Navy and Air Fleet work on the basis of special instructions confirmed by the Central Committee of the Party.

53. The chiefs of political departments of territories, fleets and armies must be Party members of ten-years' standing; the chiefs of political departments of divisions and brigades—of six-years' standing.

54. The political organs must maintain close contact with the local Party committees by means of constant participation of the leaders of the political organs and the military commissars (political assistants) in the local Party committees, as well as regular hearing at the Party committees of reports of the chiefs of the political organs and the military commissars (political assistants) on the political work in the military units.

X. PARTY GROUPS IN NON-PARTY ORGANIZATIONS

55. At all congresses, conferences and elective organs of non-Party Soviet, trade union, co-operative and other mass organizations in which there are not less than three Party members, Party groups are organized whose task it is to consolidate the influence of the Party in every respect and to carry out its policy in the non-party environment, to strengthen the iron Party and Soviet discipline, to struggle against bureaucracy and to supervise the fulfillment of Party and Soviet directives.

The group elects a secretary for its current work.

56. Irrespective of their importance, the groups are completely subordinated to the corresponding Party organizations (the Central Committee of the Party, the Regional Committee, the Central Committee of the national Communist Party, the City Committee or the District Committee). In all questions the groups must strictly and undeviatingly adhere to the decisions of the leading Party organizations.

XI. INTERNAL PARTY DEMOCRACY AND PARTY DISCIPLINE

57. The free and business-like discussion of questions of Party policy in individual organizations or in the Party as a whole is the inalienable right of every Party member derived from internal Party democracy. Only on the basis of internal Party democracy is it possible to develop Bolshevik self-criticism and to strengthen Party discipline, which must be conscious and not mechanical. But extensive discussion, especially discussion on an All-Union scale, of questions of Party policy must be so organized that it cannot lead to attempts by an insignificant minority to impose its will upon the vast majority of the Party, or to attempts to form factional groupings which break the unity of the Party, to attempts at a split which may shake the strength and endurance of dictatorship of the proletariat, to the delight of the enemies of the working class. Therefore a wide discussion on an All-Union scale can be regarded as necessary only if: (a) this necessity is recognized by at least several local Party organizations whose jurisdiction extends to a region or a republic; (b) if there is not a sufficiently solid majority in the Central Committee itself on very important questions of Party policy; (c) if in spite of the existence of a solid majority in the Central Committee which advocates a definite standpoint, the Central Committee still deems it necessary to test the correctness of its policy by means of a discussion in the Party. Only compliance with these conditions can safeguard the Party against an abuse of internal Party democracy by anti-Party elements; only under these conditions can internal Party democracy be counted on to be of profit to the cause and not to be used to the detriment of the Party and the working class.

58. The maintenance of Party unity, the relentless struggle against the slightest attempt at a factional fight or a split and the strictest Party and Soviet discipline are the foremost duties of all Party members and of all Party organizations. In order to realize strict discipline within the Party and in all Soviet work, and attain the greatest possible unity with the elimination of all

factionalism, the Central Committee of the Party has the right, in the case of a violation of discipline, or of a revival or development of factionalism, to inflict any Party penalty including expulsion from the Party, and in the case of members of the Central Committee—demotion to candidatuship and as an extreme measure, expulsion from the Party. The convocation of the plenum of the Central Committee, to which all alternate members of the Central Committee and all members of the Commission of Party Control are invited, must be a condition precedent for the application of such an extreme measure to any member of the Central Committee, alternate member of the Central Committee or member of the Commission of Party Control. If such a general meeting of the most responsible leaders of the Party by a two thirds' vote recognizes the necessity of demoting a member of the Central Committee or of the Commission of Party Control to a candidate or of expelling him from the Party, such measure must be immediately carried out.

59. The decisions of Party and Soviet centres must be executed rapidly and precisely. Failure to carry out any decision of a superior organization, or any other offense regarded as criminal by the public opinion of the Party, entails: for organizations—censure and a general re-registration (dissolution of the organization); for individual Party members—censure in one form or another (admonition, reprimand, etc.), public censure, temporary removal from responsible Party and Soviet work, expulsion from the Party with report of the offense to the administrative and judicial authorities.

60. Party members refusing to give truthful answers to questions put by the Commission of Party Control are liable to immediate expulsion from the Party.

XII. PARTY FUNDS

61. The funds of the Party and of its organizations are made up of membership dues, of the revenue from Party enterprises and of other items of revenue.

62. The following are the established amounts of monthly membership dues payable by Party members and candidates:

Those who receive up to	100 rubles in wages pay	20 kopeks
Those who receive from	101-150 rubles in wages pay	60 kopeks
Those who receive from	151-200 rubles in wages pay	1.00 ruble
Those who receive from	201-250 rubles in wages pay	1.50 rubles
Those who receive from	251-300 rubles in wages pay	2.00 rubles
Those who receive from	301-500 rubles in wages pay	2 per cent of their earnings
Those who receive more than	500 rubles in wages pay	3 per cent of their earnings

63. Upon admission as a candidate, an initiation fee is charged which amounts to two per cent of the wages received.

III

PROGRAM OF THE ALL-UNION LENINIST COMMUNIST UNION OF YOUTH

[This youth organization, usually referred to by the abbreviation of its name—*Komsomol*—is, after the Party, the most important political organization of the Soviet system. This new program, adopted at the X Congress held on April 11-21, 1936, marks certain changes in the structure and activities of the organization. With the progress in the elimination of classes the Komsomol is to become a mass organization of the youth. While remaining closely linked with the Party the youth organization is to be formally a non-Party organization. Finally, in their activities the young people are to give less attention to politics and more to education and training.

The first paragraphs of the Program outline briefly the course of the Revolution and the achievements of the Party and the Komsomol, and the effect of these on the young people of the Soviet citizenry. This introduction to the actual program is omitted. The translation is made from the Moscow *Pravda* of April 23, 1936. See also *The Slavonic Review*, London, July, 1936.]

The All-Union Leninist Communist Union of Youth is a mass non-Party organization allied with the All-Union Communist Party (Bolsheviks), and unites in its ranks broad strata of advanced and politically conscious young people living in towns and villages. The Communist Union of Youth has the aim of assisting the Communist Party (Bolsheviks) in the education of the youth and children in the spirit of Communism.

Being in sympathy with the program of the All-Union Communist Party (Bolsheviks), the Communist Union of Youth aids the Party of Bolsheviks and the Soviet Government in the fulfillment of a great historical task—the building of a Communist Society.

The Communist Union of Youth is the auxiliary of the All-Union Communist Party and its reserve.

The Communist Union of Youth, under the leadership of the All-Union Communist Party (Bolsheviks), by all its work educates young workmen, peasants, office-workers and intellectuals and trains them into men and women devoted to the Soviet Government, well instructed, daring and determined, who are not afraid of hardships and difficulties, who hate the enemies of the working class, and for whom "clearness of aim, persistence in the attainment of the aim and firmness of character which break through all obstacles" (Stalin) are their main features.

In order to educate the toiling youth of towns and villages and to organize them around the Soviet Government, the All-Union Leninist Communist Union of Youth declares the following to be its aims:

1. POLITICAL EDUCATION OF YOUTH

1. While following the directions of Lenin, that the formation of true Communist mentality—the thorough knowledge of the scientific and revolutionary theory of the proletariat—is the principal condition for the education of youth in the spirit of Communism, the Communist Union of Youth considers it obligatory for each member of the Komsomol to obtain political education. With this aim in view the Union organizes schools and circles and carries on other measures which will help the youth in mastering political principles, in studying the principal historical events in general and the history of the USSR and of the All-Union Communist Party in particular, organizes the study by young people of the principal ideas of Marx-Engels-Lenin-Stalin.

2. The Communist Union of Youth carries on the work of political education of young workmen, peasants, office-workers,

students and intellectuals; informs them by meetings, discussions and lectures about current political events, measures of the Soviet Government and of the All-Union Communist Party, conditions of life of workers and peasants in the past and in capitalist countries, the history of the Civil War in the USSR, educating the youth with examples of heroic struggle of workmen and toiling peasants against capitalists and landowners.

The Communist Union of Youth publishes its own newspapers, periodicals, political and artistic literature, organizes clubs for young people and conducts propaganda work in workers' and collective farm clubs, libraries and reading rooms.

3. The Communist Union of Youth patiently explains to the young people the harm done by superstitions and religious prejudices and organizes special circles and lectures for anti-religious propaganda.

4. The Communist Union of Youth conducts educational work against reactionary traditions of national inequality, against any demonstration of chauvinism and nationalism and educates the young people in the spirit of proletarian internationalism.

The organizations of the Union conduct educational and political work among the young people in the native languages of the peoples of the USSR and with consideration for the peculiar conditions and circumstances of each of these peoples.

5. The Communist Union of Youth organizes various courses and schools for training and re-training propagandists and organizers for different branches of the work of the Komsomol.

II. EDUCATION OF YOUNG PEOPLE

1. The Communist Union of Youth, in all its work, is guided by the need to "master knowledge, to forge new cadres of Bolsheviks—specialists in all branches of knowledge—to study, study, study in a most persistent way" (Stalin). The Union strives to raise the cultural-technical level of the working class to the level of fully qualified engineers.

2. With this aim in view the organizations of the Union:

(a) assist the Government institutions in the strengthening and development of the Soviet schools and in the realization of

universal compulsory education, at first for seven years and then for ten years;

(b) organize, together with the state and public bodies, training centres where young people may receive secondary education and technical training without being withdrawn from work.

(c) render every kind of assistance to the development of higher education in the USSR (training of engineers, doctors, agronomists, teachers, etc.);

(d) conduct an active struggle for the complete liquidation of illiteracy and of insufficient education among young people;

(e) organize various types of circles, schools and courses for raising the standard of technical and general knowledge and for the study of foreign languages;

(f) conduct a struggle against conceit and a superficial attitude towards study, which means that each member of the Union must learn some speciality and be absolutely proficient in this speciality.

III. WORK IN SCHOOLS AND AMONG CHILDREN

1. The Communist Union of Youth assists the educational institutions and teachers in strengthening school discipline and in the organization of all the work in the schools.

2. Combats the penetration into the schools of anti-social tendencies and fights hooliganism and bad behavior.

3. Systematically informs school children about the most important daily events and organizes various circles, lectures and discussions.

4. In order to satisfy the very different requirements of the school children the Union organizes, on the principle of self-activity, circles of physical culture, musical, dramatic, photographic, radio, model-making, young inventors' societies, etc.

5. Organizes the leisure and play time of the school children (evenings of self-activity, visits to cinemas, theatres, museums and picture galleries, excursions, tourist travels, etc.).

6. Participates actively in the training of teachers and recruits its best elements for pedagogical work.

7. Organizes Pioneers' detachments and groups of "Octobrists" in the schools.

8. Recruits the best members of the Union for work in the Pioneers' detachments and posts, or as leaders of various circles which are attached to the detachments and posts, and renders every kind of assistance in the work of these detachments and posts.

9. Organizes, together with trade unions and educational institutions, Pioneers' camps, children's clubs, people's palaces, playing fields, sanatoria, technical stations for children, etc.

10. Publishes artistic and popular technical literature for children and takes care of the production of equipment for Pioneers' detachments and of good toys, etc.

IV. PHYSICAL TRAINING OF YOUTH

1. Organizes physical culture for all young people and strives to attain the best records in sports for the USSR.

2. Actively participates in the work of state and public bodies engaged in the promotion of physical culture, setting up various types of sport organizations.

3. Actively participates in the construction of athletic establishments (athletic fields, stadiums, athletic halls, open-air baths, aviation clubs, etc.), and assists in the production of athletic equipment.

4. Recruits among its members instructors and organizers of athletics and physical culture.

V. PARTICIPATION IN SOCIALIST RECONSTRUCTION

1. While following the directions of the All-Union Communist Party, that the communist education of young people must be so conducted that each stage of instruction and education will be connected with the struggle for the creation of a communist society, the Communist Union of Youth strives to bring all toiling young people into participation in the socialist reconstruction. The organizations of the Union explain to the young people the aims of socialist reconstruction; inform them about the plans of

economic development of the USSR; take part in all political campaigns conducted by the All-Union Communist Party and by the Soviet Government; mobilize, when there is need, their members for the most important tasks of socialist reconstruction; take part in the every-day work of Soviet institutions, assist the Soviet Government in its fight against bureaucratic perversions in the work of Soviet and economic institutions.

2. The Communist Union of Youth assists the Bolsheviks to organize socialist competition, taking the initiative in this competition. The Komsomol members must set an example by their shock-brigade work and lead other young people. The Union strives to ingrain into the minds of young people a communist attitude toward work, a conscientious attitude toward their duties to the Soviet Government, demanding of all members work according to their abilities. The Union presents to young people examples of labor heroism and labor feats achieved by the older comrades, by shock-brigade workers.

The Union carries on the fight for the increase of the productivity of labor and for the strengthening of labor discipline in factories, transport, collective and state farms and offices.

3. The Communist Union of Youth assists the Soviet Government in strengthening the family and in the care of children and mothers. The Union fights reactionary capitalist traditions as to women and educates the young people in the feeling of respect for women, who are equal participants in the socialist reconstruction.

VI. DEFENSE OF THE SOCIALIST FATHERLAND

1. The young generation of the Soviet Union must prepare themselves to defend their fatherland against any dangers and attacks on it by enemies. "Since November 7 (October 25) [1917] we are patriots. We are for the 'defense of the fatherland,' but the patriotic war toward which we strive is the war for the socialist fatherland, for socialism which is our fatherland, for the Soviet Republic which is a detachment of the international army of Socialism" (Lenin). While steadfastly following this precept of the great Lenin, the Communist Union

of Youth educates the young generation in the spirit of Soviet patriotism and of boundless devotion to and unlimited love toward the USSR, its fatherland. Unqualified defense of the socialist fatherland, the strengthening of its power, prosperity and glory is the most sacred and immediate duty of every member of the Communist Union of Youth.

The Union educates young people in the spirit of readiness, upon the first call of the Soviet Government, to fight the enemies of the socialist fatherland.

2. The Communist Union of Youth educates young people in bravery and courage, in contempt for cowardice and fear of Soviet enemies and in a spirit of strictest discipline; the Union educates young people in the spirit of hatred for desertion, treachery and treason, as the greatest and most abominable crimes against the interests of the socialist fatherland. The members of the Communist Union and all young people must unearth and turn over to the courts of the workers' and peasants' state all who betray the interests of the fatherland.

3. In all its work for the strengthening of the defense of the Union of Soviet Socialist Republics, the Communist Union of Youth is guided by the policy pursued by the All-Union Communist Party (Bolsheviks) and by the Soviet Government, as formulated by Stalin: "We stand for peace and defend the cause of peace. But we are not afraid of threats and are ready to reply with blow for blow to those who start war." Active assistance to the Soviet state in strengthening and developing its armed forces is the most important duty of Lenin's Komsomol. Having these aims in view, the Communist Union of Youth assumes the patronage of the Soviet Navy and Air Force, and supplies the Workers' and Peasants' Red Army with soldiers devoted to the Soviet Government, whose hands and eyes will not fail them in the fight with the enemies of the revolutionary people. The Communist Union of Youth conducts among young people propaganda of military science, actively participates in the work of organizations of public defense, and strives to see that each member of the Union before joining the ranks of the army or navy, knows the art of sharp-shooting and has thoroughly studied one of the military specialties.

IV

DECLARATION OF RIGHTS OF THE PEOPLES OF RUSSIA, NOVEMBER 2, 1917

[This was one of the first of the acts of the new Soviet authority, of a declaratory character. This Declaration, with the corresponding Declaration of the Rights of the Toiling and Exploited People, of January 18, 1918, was incorporated in the first Soviet constitution of July, 1918, of the Russian Socialist Federated Soviet Republic. With the formation of the Union of Soviet Socialist Republics in 1923 and the adoption of the Union Constitution, this Declaration was incorporated also in this Constitution. Translated from the *Gazette of the Provisional Workman-Peasant Government*, No. 4, 1917, as reproduced in *Soviet Policy for Ten Years on the Nationality Question in the RSFSR*, Moscow, 1928, pp. 1-2.]

The October Revolution of workmen and peasants began under the general flag of emancipation.

The peasants are being emancipated from the power of landlords, for there is no longer landlord ownership of land—it has been abolished. Soldiers and sailors are being emancipated from the authority of autocratic generals, for generals from now on will be elective and removable. Workmen are being emancipated from the capricious and arbitrary methods of capitalists, for from now on there will be established workman control over the factories and mills. All that is alive and vital is being freed from the hated chains.

There remain only the peoples of Russia, who have suffered and are still suffering oppressive and arbitrary rule, for whose

emancipation steps must be taken immediately, whose emancipation must be effected in a decisive and definitive form.

In the period of Tsarism the peoples of Russia were systematically incited against one another. The results of this policy are well-known: fighting and pogroms on the one hand, and the slavery of peoples on the other.

To this disgraceful policy there can and must be no return. From now on this policy must be replaced by one of voluntary and honest union of the peoples of Russia.

In the period of imperialism, after the February (1917) Revolution, when power passed into the hands of the bourgeoisie led by the Constitutional Democrats, the unconcealed policy of inciting gave way to a policy of cowardly distrust of the peoples of Russia, a policy of petty persecution and provocation, covered by verbal declarations of "freedom" and "equality" of peoples. The results of this policy are well-known: an increase in national enmity and a rupture of mutual trust.

To this unworthy policy of deceit and distrust, persecution and provocation, an end must be put. From now on this policy must be replaced by a frank and honest policy, leading to the fullest mutual confidence among the peoples of Russia.

Only on the basis of such confidence can an honorable and lasting union of the peoples of Russia be accomplished.

Only as the result of such a union can the workmen and peasants of the peoples of Russia be rallied into a single revolutionary force, capable of standing out against all attacks from the imperialistic-annexationist bourgeoisie.

The Congress of Soviets in June of this year proclaimed the right of the peoples of Russia to free self-determination.

The Second Congress of Soviets in October of this year confirmed this inalienable right of the peoples of Russia in a more decisive and definitive form.

Carrying out the will of these congresses, the Council of People's Commissars has resolved to base its activities in the question of the nationalities of Russia on the following principles:

- (1) the equality and sovereignty of the peoples of Russia;
- (2) the right of the peoples of Russia to free self-determi-

nation, to the point of separation and the formation of an independent state;

(3) the abolition of all forms of national and national-religious privilege and disability;

(4) the free development of the national minorities and ethnic groups inhabiting the territory of Russia.

The concrete decrees that follow from these principles will be immediately elaborated after the setting up of a Commission on Nationality Affairs.

In the name of the Russian Republic, Chairman of the Council of People's Commissars, V. Ulianov (Lenin).

People's Commissar on Nationality Affairs, Iosev Dzhugashvili-Stalin.

V

DECLARATION OF THE RIGHTS OF THE TOILING AND EXPLOITED PEOPLE

[This declaration was confirmed by the III Congress of Soviets in January, 1918. It became the first Chapter of the Constitution of the Russian Socialist Federated Soviet Republic, adopted at the V Congress of Soviets on July 10, 1918. In the later, revised text of this first Soviet constitution this Declaration, together with the corresponding Declaration of the Rights of the Peoples of Russia, of November 2, 1917, became part of the Constitution. These two Declarations are given here in their original and separate forms because of their historical importance as types of the declaratory legislation at the beginning of the Revolution and the Soviet régime. Translated from *Collection of Laws and Orders of the Workman and Peasant Government*, July 20, 1918.]

CHAPTER I

1. Russia is declared a Republic of Soviets of Workers', Soldiers' and Peasants' Deputies. All authority, central and local, is vested in these Soviets.

2. The Russian Soviet Republic is established on the basis of a free union of free nations, as a federation of Soviet national republics.

CHAPTER II

3. Setting as its fundamental aim the abolition of all exploitation of man by man, the complete elimination of the division of society into classes, the ruthless suppression of exploiters, the

establishment of a socialistic organization of society and of the victory of socialism, the III All-Russian Congress of Soviets of Workers', Soldiers' and Peasants' Deputies further decrees:

(a) In realization of the socialization of the land, private property in land is abolished and the entire fund of land is declared public property and it is handed over to toilers without any payment, on the basis of equalized utilization.

(b) All forests, mineral deposits and waters of public importance and likewise all live-stock and appurtenances, model private estates and agricultural enterprises are declared national property.

(c) As the first step toward the complete transfer of factories, mills, mines, railways and other means of production and of transport to the ownership of the Soviet Republic of Workers and Peasants, there is confirmation of the Soviet legislation on workers' control and on the Supreme Soviet of National Economy, for the purpose of insuring the authority of the toilers over the exploiters.

(d) The III All-Russian Congress of Soviets considers the Soviet law on the repudiation (abolition) of loans contracted by the government of the Tsar, landlords and bourgeoisie, as a first blow at international banks and financial capital, expressing the confidence that the Soviet authority will continue steadfastly on this road until the complete victory of the international workers' uprising against the yoke of capital.

(e) There is ratification of the transfer of all banks to the ownership of the Workman-Peasant State, as one of the conditions of liberating the toiling masses from the yoke of capital.

(f) For the purpose of abolishing the parasitic strata of society and of organizing economic life, universal labor service is introduced.

(g) In the interest of insuring complete and full authority to the toiling masses, and of removing all possibility of the re-establishment of the authority of exploiters, there is decreed the arming of the toilers, the formation of a socialist Red Army of workmen and peasants and the complete disarming of the proletarian classes.

CHAPTER III

4. Expressing the firm determination to deliver humanity from the claws of financial capital and imperialism, which have drenched the earth with blood in the present most criminal of all wars, the III All-Russian Congress of Soviets associates itself fully with the policy adopted by the Soviet authority, of repudiating the secret treaties, of organizing the broadest possible fraternization of the workmen and peasants in the armies now engaged in conflict and of attaining at any cost by revolutionary measures a democratic peace of toilers, without annexations and indemnities, on the basis of the free self-determination of nations.

5. With the same aims in view the III All-Russian Congress of Soviets insists on the complete repudiation of the barbarous policy of bourgeoisie civilization, which has built up the prosperity of exploiters in a few chosen nations on the enslavement of the hundreds of millions of the toiling population in Asia, in colonies in general and in small countries.

6. The III All-Russian Congress of Soviets welcomes the policy of the Council of Peoples' Commissars, which proclaimed the complete independence of Finland, and has started to withdraw the troops from Persia, and has declared freedom of self-determination for Armenia.

CHAPTER IV

7. The III All-Russian Congress of Soviets of Workers', Soldiers' and Peasants' Deputies considers that now, at the moment of the decisive struggle of the proletariat against its exploiters, these exploiters can have no place in any of the organs of authority. Power must belong wholly and exclusively to the toiling masses, and to their plenipotentiary representatives—to the Soviets of Workers', Soldiers' and Peasants' Deputies.

8. At the same time, while striving to establish a really free and voluntary, and therefore more complete and lasting union of the toiling classes of all the nations of Russia, the III All-

Russian Congress of Soviets confines itself to setting up the basic principles of a federation of Soviet Republics of Russia, leaving to the workers and peasants of each nation to make an independent decision at their own plenipotentiary Soviet Congress, whether they wish, and on what basis, to participate in the federated government and in other federated Soviet institutions.

VI

CONSTITUTION (FUNDAMENTAL LAW) OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

[The text given here is the one ratified by the XII All-Russian Congress of Soviets, of May 11, 1925. This text also embodies amendments and modifications to the date of its publication, 1932. Published by Co-operative Publishing Society of Foreign Workers in the USSR, Moscow.]

PART I

CHAPTER I

GENERAL PRINCIPLES

Article 1. The present Constitution of the Russian Socialist Federated Soviet Republic (RSFSR) is based on the fundamental principles contained in the Declaration of the Rights of the Toiling and Exploited People, passed by the Third All-Russian Congress of Soviets and in the Declaration of the Rights of the Peoples of Russia proclaimed on November 2, 1917; and is further based on the fundamental principles of the Constitution of the RSFSR passed by the Fifth All-Russian Congress of Soviets; its object is to guarantee the dictatorship of the proletariat for the purpose of suppressing the bourgeoisie, of abolishing the exploitation of man by man and of bringing about Communism, under which there will be neither division into classes nor state power.

Article 2. The RSFSR is a socialist state of workers and peasants, built on the basis of a federation of the national

Soviet Republics. All power within the territory of the RSFSR is vested in the Soviets (Councils) of Workers', Peasants', Cossacks and Red Army Deputies.

Article 3. The supreme power in the RSFSR is delegated to the All-Russian Congress of Soviets, and during the intervals between the All-Russian Congresses of Soviets, to the All-Russian Central Executive Committee of Soviets.

In conformity with the will of the peoples of the RSFSR, which, at the Tenth All-Russian Congress of Soviets, decided to form a Union of Soviet Socialist Republics (USSR), the RSFSR forms part of the USSR and transfers to the Union the powers which, in accordance with Article 1 of the Constitution of the USSR, are conferred upon the authorities of the USSR.

Article 4. For the purpose of assuring real liberty of conscience to the workers, the church is separated from the state and the school from the church; and the right of all citizens to practise freely any religious belief or to engage in anti-religious propaganda remains inviolate.

Article 5. For the purpose of assuring the workers real freedom of expression of opinion, the RSFSR abolishes the dependence of the press on capital and transfers all the technical and material means pertaining to the publication of newspapers, pamphlets, books and any other printed matter to the possession of the working class and the peasantry and secures their free circulation throughout the country.

Article 6. For the purpose of assuring to the workers real freedom of assembly, the RSFSR declares inviolate the right of the citizens of the Soviet Republic freely to assemble, hold meetings, processions and the like, and places all premises suitable for the organization of popular assemblages at the disposal of the working class and of the peasantry.

Article 7. For the purpose of assuring to the workers real freedom of association, the RSFSR, having broken the economic and political power of the propertied classes and thereby removed all obstacles that theretofore, in bourgeois society, had prevented the workers and peasants from enjoying freedom of organization and of action, helps the workers and peasants to combine and to organize themselves.

Article 8. For the purpose of assuring to the workers real access to knowledge, the RSFSR sets itself the task of providing every worker with a complete, comprehensive and free education.

Article 9. The RSFSR regards labor as an obligation for all citizens of the Republic.

Article 10. For the purpose of safeguarding to the utmost the conquests of the Great Workers' and Peasants' Revolution, the RSFSR declares that it is the duty of every citizen of the Republic to defend the socialist fatherland and it therefore adopts universal military service. The honorable right of defending the Revolution with arms in hand is granted only to toilers; non-laboring elements may be charged with the performance of other military duties.

Article 11. The RSFSR extends all the rights granted under the Constitution and the legislative acts of the Republic to the citizens of the RSFSR, also to all citizens of the other Soviet Union republics residing within the territory of the RSFSR.

In view of its solidarity with the workers of all nations, the RSFSR grants all political rights to foreigners residing in the territory of the RSFSR for the purpose of engaging in productive labor, who belong to the working class and to peasants who do not employ the labor of others, in accordance with the decisions of the supreme authorities of the USSR.

Article 12. The RSFSR grants the right of asylum to all foreigners persecuted for their revolutionary or liberating activities.

Article 13. The RSFSR, recognizing the right of all nations to self-determination, even including separation, and acting on the firmly expressed will of the workers of the separate nationalities inhabiting the RSFSR to constitute themselves a political entity within the RSFSR, unites with these nationalities by creating national Autonomous Soviet Socialist Republics and Regions within the RSFSR.

All citizens shall be equal before the law, irrespective of race or nationality. In conformity with this principle, the RSFSR declares all oppression of national minorities of whatever de-

scription and all disabilities whatsoever imposed on them, as well as the establishment or toleration of any direct or indirect special privileges for individual nationalities, to be absolutely incompatible with the fundamental laws of the Republic; the RSFSR recognizes the right of all its citizens freely to use their native language at congresses, in courts of law, in the schools, in the administrative offices and in public life, and secures them in the full enjoyment of this right.

Article 14. In the interests of the workers, the RSFSR deprives individuals or groups of individuals of rights which they exercise to the prejudice of the socialist revolution.

Article 15. All lands, forests, mineral deposits, bodies of water and all factories and industrial enterprises, railways, water and air transport and all means of communication are the property of the socialist state, in accordance with the respective enactments of the USSR and the supreme organs of the RSFSR.

PART II

CHAPTER II

JURISDICTION OF THE ALL-RUSSIAN CONGRESS OF SOVIETS AND THE ALL-RUSSIAN CENTRAL EXECUTIVE COMMITTEE OF SOVIETS

Article 16. The All-Russian Congress of Soviets shall have sole power:

(a) To establish, amend or modify the fundamental principles of the Constitution (Fundamental Law) of the RSFSR and to ratify amendments or modifications of parts of the Constitution (Fundamental Law) of the RSFSR passed by the All-Russian Central Executive Committee of Soviets during the intervals between the All-Russian Congresses of Soviets;

(b) To ratify the constitution of the Autonomous Soviet Socialist Republic and likewise to amend or modify these constitutions.

Article 17. The All-Russian Congress of Soviets and the

All-Russian Central Executive Committee of Soviets shall have jurisdiction over all questions of national importance, such as:

(a) General guidance of the whole policy and of the national economy of the RSFSR;

(b) The ratification of decisions of Congresses of Soviets of separate nationalities to constitute themselves Autonomous Soviet Socialist Republics and Regions, the delimitation of the boundaries of Autonomous Soviet Socialist Republics forming part of the RSFSR; the ratification of their constitutions and of amendments to and modifications of these constitutions; also the settlement of disputes arising between Autonomous Soviet Socialist Republics or between them and other parts of the Federation.

(c) Alterations in the boundaries of the RSFSR; the general administrative division of the territory of the RSFSR; and the confirmation of consolidations of territories to form Regions.

(d) The drafting, in conformity with the laws of the USSR, of a plan for the entire national economy and its separate branches within the territory of the RSFSR;

(e) The confirmation of the budget of the RSFSR as part of the single state budget of the USSR;

(f) The imposition, in conformity with the Constitution and laws of the USSR, of state and local taxes, dues and revenues not derived from taxes as well as the flotation of foreign and domestic loans of the RSFSR;

(g) The supreme control over the state revenues and expenditures of the RSFSR;

(h) The confirmation of the codes of law of the RSFSR in conformity with the Constitution of the USSR;

(i) The right of amnesty, general and partial, within the territory of the RSFSR;

(j) The annulment or modification of any decision of a Congress of Soviets of an Autonomous Soviet Socialist Republic or Autonomous Region, or of any other local Congress of Soviets, if such decision shall be in violation of the present Constitution or of any decree of the supreme authorities of the RSFSR.

Article 18. The All-Russian Congress of Soviets and the All-Russian Central Executive Committee of Soviets shall have

jurisdiction also over other subject matters in accordance with the provisions of the Constitution of the USSR in addition to the subject matters enumerated above.

Article 19. The decisions of the supreme authorities of the USSR shall be binding within the territory of the RSFSR if they are within the scope indicated by the Fundamental Law (Constitution) of the USSR and concern subject matters within the jurisdiction of the Union. With this exception, the All-Russian Congress of Soviets, the All-Russian Central Executive Committee of Soviets, its Presidium and the Council of People's Commissars of the RSFSR shall be the only authorities empowered to pass legislative acts of national importance within the territory of the RSFSR.

PART III

STRUCTURE OF THE SOVIET GOVERNMENT

CHAPTER III

CENTRAL AUTHORITY

A. All-Russian Congress of Soviets

Article 20. In conformity with the principles laid down by Article 25 of the Constitution of the RSFSR passed by the Fifth All-Russian Congress of Soviets, the All-Russian Congress shall consist of representatives of town Soviets who shall be elected at the rate of one delegate for every 25,000 voters, and of representatives of the Republic Congresses of Soviets of the Autonomous Soviet Socialist Republics, of the Regional Congresses of Soviets of the Autonomous Regions and of the Regional Congresses of Soviets at the rate of one delegate for every 125,000 members of the population.

The delegates to the All-Russian Congress of Soviets shall be elected at the Republic Congresses of Soviets of the Autonomous Soviet Socialist Republics, at the Regional Congresses of Soviets of the Autonomous Regions and at the Regional Congresses of Soviets.

Article 21. The All-Russian Congress of Soviets shall elect the All-Russian Central Executive Committee, the number of members of which shall be determined by the All-Russian Congress of Soviets; it shall further elect the representatives of the RSFSR in the Council of Nationalities of the Central Executive Committee of the Union of Soviet Socialist Republics.

Article 22. The All-Russian Congress of Soviets shall be convened by the All-Russian Central Executive Committee once in two years.

Article 23. Special All-Russian Congresses of Soviets may be convened by the All-Russian Central Executive Committee of Soviets on its own initiative and shall be convened at the demand of the Soviets and Congresses of Soviets of localities comprising not less than one third of the whole population of the RSFSR.

B. All-Russian Central Executive Committee of Soviets

Article 24. The All-Russian Central Executive Committee of Soviets, within the scope of its authority as indicated in Articles 3, 17 and 18 of the present Constitution, shall be the supreme legislative, executive and administrative authority of the RSFSR.

Article 25. The All-Russian Central Executive Committee of Soviets shall be empowered to issue codes of law, decrees and orders on its own initiative, and also to examine and confirm laws introduced by the Presidium of the All-Russian Central Executive Committee of Soviets and by the Council of People's Commissars of the RSFSR.

Article 26. All decrees and orders prescribing general rules for the political and economic life of the RSFSR and those which introduce radical changes in the existing practices of the state authorities of the RSFSR, also the budget of the RSFSR must under all circumstances be considered and approved by the All-Russian Central Executive Committee of Soviets.

Article 27. The All-Russian Central Executive Committee of Soviets shall elect from among its members a President and

a Secretary as well as the Presidium of the All-Russian Central Executive Committee of Soviets, the number of members of which shall be determined by the All-Russian Central Executive Committee of Soviets.

During the intervals between the sessions of the All-Russian Central Executive Committee of Soviets, the highest legislative, executive and administrative authority of the RSFSR shall be the Presidium of the All-Russian Central Executive Committee of Soviets which shall be responsible to the All-Russian Central Executive Committee of Soviets.

Article 28. The All-Russian Central Executive Committee of Soviets shall direct the general course of activity of the Workers' and Peasants' Government and of all Soviet authorities of the RSFSR, shall co-ordinate their legislative and administrative functions, define the scope of activity of the Presidium of the All-Russian Central Executive Committee of Soviets and of the Council of People's Commissars of the RSFSR and supervise the observance of the Constitution of the RSFSR as well as the execution of all the decisions of the All-Russian Congresses of Soviets and of the supreme authorities of the USSR.

Article 29. The sessions of the All-Russian Central Executive Committee of Soviets shall be called by the Presidium of the All-Russian Central Executive Committee of Soviets.

Special sessions shall be called on the initiative of the Presidium of the All-Russian Central Executive Committee of Soviets on the proposal of the Council of People's Commissars of the RSFSR, at the demand of one third of the members of the All-Russian Central Executive Committee of Soviets, at the demand of the Central Executive Committees of not less than six Autonomous Soviet Socialist Republics, or at the demand of the Regional Executive Committees of not less than six Regions.

Article 30. For purposes of general administration of the RSFSR, the All-Russian Central Executive Committee of Soviets shall form a Council of People's Commissars of the RSFSR and People's Commissariats to direct the separate departments of administration.

Article 31. The All-Russian Central Executive Committee of Soviets shall be responsible to the All-Russian Congress of

Soviets, and shall submit to it an account of its activities and a report on its general policy as well as on separate subjects.

C. Council of People's Commissars of the RSFSR

Article 32. The Council of the People's Commissars of the RSFSR shall consist of the following members: the President of the Council of People's Commissars, the Vice-President and the People's Commissars enumerated in Article 37 of the Constitution of the RSFSR as well as the plenipotentiary representatives of the All-Union People's Commissariats who shall be appointed in the manner prescribed by All-Union legislation and who shall have a consultative or a full vote, as may be decided by decrees of the All-Russian Central Executive Committee of Soviets or of its Presidium.

The Council of People's Commissars of the RSFSR shall also comprise the plenipotentiary representative of the United State Political Department (OGPU) of the USSR as well as other persons, as may be decided by decrees of the All-Russian Central Executive Committee of Soviets.

Article 33. The general administration of the RSFSR shall be vested in the Council of People's Commissars of the RSFSR.

Article 34. The Council of People's Commissars of the RSFSR may, within the scope of authority granted to it by the All-Russian Central Executive Committee of Soviets or within the terms of the statute concerning the Council of People's Commissars of the RSFSR published in amplification of the present article, issue decrees and orders binding throughout the whole territory of the RSFSR.

Article 35. The Council of People's Commissars of the RSFSR shall be responsible to the All-Russian Congress of Soviets, the All-Russian Central Executive Committee of Soviets and to its Presidium.

Article 36. The All-Russian Central Executive Committee of Soviets, or its Presidium, shall have power to annul, modify or suspend any decree of the Council of People's Commissars of the RSFSR.

D. People's Commissariats of the RSFSR

Article 37. The following People's Commissariats shall be established for the purpose of giving direct guidance to the separate departments of the state administration which fall within the jurisdiction of the Council of People's Commissars of the RSFSR:

The Supreme Council of National Economy, the People's Commissariats of Agriculture, of Labor, of Supplies, of Finance, of Workers' and Peasants' Inspection, of Justice, of Education, of Public Health, of Social Maintenance and the State Planning Commission.

Article 38. The Supreme Council of National Economy and the People's Commissariats of Agriculture, of Labor, of Supplies, of Finance and of Workers' and Peasants' Inspection of the RSFSR shall be subordinate to the All-Russian Central Executive Committee of Soviets, its Presidium and to the Council of People's Commissars of the RSFSR, and shall in their respective activities carry out the directions of the corresponding People's Commissariats of the USSR.

Article 39. The members of the Council of People's Commissars of the RSFSR, the People's Commissars, shall be at the head of their respective People's Commissariats.

Article 40. A Collegium shall be attached to each People's Commissar of which he shall be President and the members of which shall be confirmed by the Council of People's Commissars of the RSFSR.

Article 41. Each People's Commissar shall be empowered himself to render decisions on all questions within the jurisdiction of the respective People's Commissariat. If the Collegium shall disagree with any decision rendered by its People's Commissar, the Collegium may, without suspending such decision, appeal it to the Council of People's Commissars of the RSFSR or to the Presidium of the All-Russian Central Executive Committee of Soviets. The individual members of the Collegium shall enjoy the same right of appeal.

Article 42. The People's Commissars shall be responsible for their work to the Council of People's Commissars of the

RSFSR and to the All-Russian Central Executive Committee of Soviets and its Presidium.

Article 43. Any order of a People's Commissariat of the RSFSR may be annulled, modified or suspended by the All-Russian Central Executive Committee of Soviets, by its Presidium or by the Council of People's Commissars of the RSFSR, unless based on precise instructions of the All-Russian Central Executive Committee of Soviets, its Presidium or of the Council of People's Commissars of the RSFSR, and may be annulled or suspended also by the corresponding People's Commissariat of the USSR.

CHAPTER IV

AUTONOMOUS SOVIET SOCIALIST REPUBLICS AND REGIONS

Article 44. In accordance with the provisions of the Constitution of the RSFSR, the local Soviets, Congresses, Executive Committees, Regional Executive Committees shall constitute the state authorities in the Autonomous Soviet Socialist Republics and in the Autonomous Regions.

The Fundamental Laws (Constitutions) of the Autonomous Soviet Socialist Republics as well as the amendments to and modifications of these Fundamental Laws (Constitutions) shall be passed by their respective Congresses of Soviets; after their passage they shall be presented for confirmation to the All-Russian Central Executive Committee of Soviets and shall be submitted for final ratification to the All-Russian Congress of Soviets.

Note: The statutes concerning the autonomous Regions shall be passed by their respective Congresses of Soviets and shall be confirmed by the All-Russian Central Executive Committee of Soviets.

Article 45. The respective Congresses of Soviets of the said Republics and during the intervals between such Congresses, the Central Executive Committees which shall be elected by them and whose rights shall be determined by the Fundamental

Law (Constitution) of each Autonomous Soviet Socialist Republic, shall constitute the highest political authorities within the limits of the territory of each Autonomous Soviet Socialist Republic.

Any decision of a Congress of Soviets of an Autonomous Soviet Socialist Republic may be annulled or modified by the All-Russian Central Executive Committees of Soviets; or may be suspended by the Presidium of the All-Russian Central Executive Committee of Soviets.

Any decision of a Central Executive Committee or of any central authority of an Autonomous Soviet Socialist Republic may be annulled, modified or suspended by the All-Russian Central Executive Committee of Soviets or by its Presidium.

Article 46. The Central Executive Committees of the Autonomous Soviet Socialist Republics and the Regional Executive Committees of the Autonomous Regions shall elect Presidiums from among their members, which shall constitute the highest authorities within the territory of the respective Republic or Region during the intervals between the sessions of the Central or the Regional Executive Committees.

Article 47. The Central Executive Committees of the Autonomous Soviet Socialist Republics shall institute as their respective executive organs Councils of People's Commissars consisting of the President of the Council of People's Commissars, the People's Commissars of Justice, of Education, of Public Health, of Social Maintenance, and the President of the State Planning Commission, as well as the People's Commissars of the Federated People's Commissariats of the RSFSR, of the Supreme Council of National Economy, of Agriculture, of Labor, of Supplies, of Finance and of the Workers' and Peasants' Inspection.

The Central Executive Committees of the Autonomous Soviet Socialist Republics shall be authorized and empowered to reduce the number of their respective People's Commissariats and alter the composition of the corresponding Councils of People's Commissars to meet the local conditions of life.

Article 48. The Central Executive Committees of the Autonomous Soviet Socialist Republics may, within the scope

of authority conferred upon the respective Republics, enact laws which shall have binding effect upon the territories of the respective Autonomous Soviet Socialist Republics.

CHAPTER V

LOCAL AUTHORITIES

A. CONGRESS OF SOVIETS

Article 49. The Congress of Soviets shall be the highest authority within the given territory, Region or District—within the scope of its jurisdiction.

Article 50. The representatives of all the Soviets situated within the territory of any given administrative unit shall be entitled to participate in the respective Regional and District Congresses of Soviets.

Article 51. The Congresses of Soviets shall be constituted as follows:

(a) The Regional Congresses shall consist of representatives of the respective Town Soviets, of the factories and mills situated outside of urban settlements, and of the District Congresses of Soviets, according to the following rate of representation: from the Town Soviets, factories and mills situated outside of urban settlements—one delegate for every 2,500 electors and from the District Congresses of Soviets, one delegate for every 12,500 members of the population.

(b) District Congresses shall consist of the representatives of the Town Soviets, of the factories and mills situated outside of urban settlements and of the Village Soviets, according to the following rate of representation: from the Town Soviets, factories and mills situated outside of urban settlements, one delegate for every 60 electors, and from the Village Soviets one delegate for every 300 members of the population.

Note 1. The Autonomous Soviet Socialist Republics and the Autonomous Regions forming part of a Regional Federation shall participate in the respective Regional Congresses of Soviets of

these Federations by electing delegates to the said Congresses according to special quotas which shall be established by the All-Russian Central Executive Committee of Soviets.

Note 2. In exceptional cases the All-Russian Central Executive Committee of Soviets or its Presidium shall be empowered for individual localities to change the quotas of representation established by the present article to meet local conditions.

Article 52. The Congresses of Soviets may be either regular or special. The regular Congresses of Soviets shall be convened once a year; special Congresses of Soviets shall be convened:

(a) At the proposal of superior Congresses of Soviets, or of their respective Executive Committees;

(b) At the instance of their respective Executive Committees or at the request of subordinate Executive Committees of Soviets, comprising not less than one third of the population of the given District or Region.

Article 53. The Congresses of Soviets shall elect Executive Committees as their respective executive organs, the number of members of which shall be determined for the Congresses of Soviets of each administrative-territorial unit by the decisions of the All-Russian Central Executive Committee or of its Presidium.

B. EXECUTIVE COMMITTEES

Article 54. The Executive Committees shall be elected by the Congresses of Soviets and shall constitute, during the intervals between the Congresses of Soviets, the highest Soviet authorities within their respective territories; they shall be responsible to the Congresses of Soviets which elected them and shall be subordinate to the respective superior Executive Committees, their Presidiums, the All-Russian Central Executive Committee of Soviets, its Presidium and to the Council of People's Commissars of the RSFSR.

Article 55. The Executive Committees shall elect Presidiums which shall direct all the current administrative work in their respective territories and shall carry into execution the orders and decrees of the central authorities. The number of members of these Presidiums shall be determined for each

administrative-territorial unit by the All-Russian Central Executive Committee of Soviets or its Presidium.

Article 56. During the intervals between the sessions of the Executive Committees, the Presidiums of the Executive Committees shall exercise the rights of the latter and shall be responsible to their respective Executive Committees.

Article 57. In order to fulfill all the work falling within the jurisdiction of the local authorities and in order to carry into execution the decisions of the superior Executive Committees, of their Presidiums and of the central authorities, the following bodies shall be formed: departments or administrations by the Regional Executive Committees, and departments or sections by the District Executive Committees in conformity with the rules prescribed by the All-Russian Central Executive Committee of Soviets or by its Presidium.

The abolition or amalgamation of existing departments, administrative offices or sections of the Executive Committees as well as the formation of new departments, administrative offices and sections shall be effected in accordance with the rules prescribed by the All-Russian Central Executive Committee of Soviets or by its Presidium.

Article 58. The departments, administrative offices and sections of the Executive Committees shall be subordinate to their respective Executive Committees and their Presidiums and it shall be their duty to execute all their instructions and tasks as well as all the instructions given and tasks assigned them by the corresponding department or administrative office of a superior Executive Committee, or by the respective People's Commissariats of the RSFSR.

C. SOVIETS (COUNCILS) OF DEPUTIES

Article 59. Town and Village Soviets of Deputies shall be formed and shall function within the territory of the RSFSR.

The rates of representation for Town and Village Soviets as well as the number of deputies of these Soviets shall be determined by the All-Russian Central Executive Committee of Soviets and shall depend upon the number of electors or the size

of the population in the constituency of the corresponding Soviet and can be changed by the Presidium of the All-Russian Central Executive Committee of Soviets only in exceptional cases and for individual localities.

Article 60. The Soviets of Deputies in towns shall elect an Executive Committee from among their number to attend to the current work according to the rules prescribed by the All-Russian Central Executive Committee of Soviets or its Presidium.

Article 61. The Village Soviet may form a Presidium of the Soviet according to rules prescribed by the All-Russian Central Executive Committee of Soviets or its Presidium.

Article 62. The Soviets of Deputies shall be summoned by the executive organs of the respective Soviets either on their own initiative or at the demand of not less than one third of the members of the corresponding Soviet.

Article 63. Members of the Soviets of Deputies must regularly render account to their constituents.

D. JURISDICTION OF THE LOCAL AUTHORITIES

Article 64. The tasks of the Regional and District Executive Committees and of their Presidiums as well as of the Soviets of Deputies shall be as follows:

(a) To take measures to raise the cultural and economic level of their respective territories;

(b) To carry into execution the decisions of the respective higher organs of the Soviet Government.

(c) To settle questions of local importance within their respective territories;

(d) To co-ordinate the Soviet activities within the confines of their respective territories;

(e) To uphold the revolutionary law within their respective territories and to maintain order and public safety within the state;

(f) To consider questions of All-Russian importance both on their own initiative and on the proposal of superior Executive Committees.

Article 65. The Congresses of Soviets and their respective Executive Committees shall exercise control over the activities of the lower local Soviets and their executive organs.

Any decision of a local Congress of Soviets may be annulled or modified by a superior Congress of Soviets, by its Executive Committee or in proper cases by the Presidium of a superior Executive Committee, as well as by the All-Russian Central Executive Committee of Soviets or its Presidium.

Any decision of an Executive Committee or of its Presidium may be annulled or modified by the Congress of Soviets which elected it as well as by a superior Congress of Soviets, its Executive Committee or Presidium, by the All-Russian Central Executive Committee of Soviets or its Presidium or by the Council of People's Commissars of the RSFSR.

Article 66. The Regional Executive Committees or their respective Presidium may suspend the execution of an order of a People's Commissariat of the RSFSR or of a plenipotentiary representative of an All-Union People's Commissariat attached to the RSFSR, only in exceptional cases and only in accordance with the rules and in the manner prescribed by the All-Russian Central Executive Committee of Soviets.

Article 67. The District Executive Committees may suspend the execution of any order of a department, administrative office or of any corresponding organ of a Regional Executive Committee, according to the rules and in the manner prescribed by the All-Russian Central Executive Committee of Soviets.

PART IV

CHAPTER VI

ELECTIONS TO THE SOVIETS

A. RIGHT TO VOTE AND TO BE ELECTED

Article 68. The right to vote and to be elected at the elections for the Soviets shall be enjoyed irrespective of sex, religion, race, nationality, residence and so forth, by the following

citizens of the RSFSR who shall have attained the age of 18 years on the date of the election.

(a) All persons who earn their livelihood by engaging in productive, socially useful labor, and all persons who are engaged in household work, which enables the aforementioned persons to perform their productive work;

(b) The members of the Workers' and Peasants' Red Army and Red Navy;

(c) Citizens who belong to any category enumerated in classes "a" and "b" of the present article but who are unable to work owing to disablement.

Note: Persons who have not become citizens of the Russian Socialist Federated Soviet Republic shall enjoy the right to vote and to be elected within the provisions of article 11 of the present Constitution.

Article 69. The following persons may not vote or be elected though they fall within one of the above categories:

(a) Any person who employs hired labor for the purpose of deriving a profit therefrom;

(b) Any person who lives on unearned income such as interest on capital, income from enterprises, revenue from property and the like;

(c) Private traders and middlemen engaged in trade or commerce;

(d) Ministers of any religious denomination or sect who practise this calling as a profession, and monks;

(e) Employees and agents of the former police force, of the Special Corps of Gendarmes and of the Tsarist Secret Service, members of the former reigning dynasty of Russia and persons who directed the activities of the police, of the gendarmes or of the penal authorities;

(f) Any person who has been duly declared of unsound mind or mentally defective;

(g) Any person who has been sentenced for a crime, if the sentence of the court specified that he was to be deprived of his political rights for a period of time.

B. ELECTIONS

Article 70. Elections shall be held on the days fixed by the local Soviets or by their respective Executive Committees.

Article 71. Minutes shall be kept stating the course and the results of the elections, and shall be signed by the members of the Election Commission.

Article 72. The methods of holding elections as well as the participation in the elections by the trade unions and other labor organizations shall be determined by the All-Russian Central Executive Committee of Soviets or its Presidium.

C. VERIFICATION AND INVALIDATION OF ELECTIONS AND
RECALL OF DEPUTIES

Article 73. The regularity of elections to the Soviets shall be verified by Election Commissions and the regularity of the credentials of the delegates who have been elected to the Congresses of Soviets shall be verified by Credentials Commissions.

Article 74. In case of an irregularity in an election affecting it as a whole, the question of invalidating the election shall be determined by the next superior Soviet authority. The highest authority for invalidating elections shall be the All-Russian Central Executive Committee of Soviets or its Presidium.

Article 75. The constituents who elected a deputy to a Soviet shall have the right to recall him or her at any time and to hold new elections.

PART V

CHAPTER VII

THE BUDGET

Article 76. All state revenues and expenditures of the RSFSR, including the revenues and expenditures of the Autonomous Republics forming part of the RSFSR, shall be united in a general state budget.

Article 77. The budget of the RSFSR shall form a constitu-

ent part of the single state budget of the USSR, in accordance with the Constitution of the USSR and the rules duly issued in the course of All-Union legislation.

Article 78. The apportionment of the expenditures incurred and the revenues collected within the territory of the RSFSR between the expenditures and revenues included in the All-Union budget and those to be included in the budget of the RSFSR shall be fixed by All-Union legislation.

Article 79. The budget of the RSFSR shall be examined by the Council of People's Commissars of the RSFSR, shall be approved by the All-Russian Central Executive Committee of Soviets and shall then be forwarded to the legislative bodies of the USSR to be included in the single state budget of the USSR in accordance with the Constitution of the USSR.

Article 80. The state revenues and expenditures of the Autonomous Socialist Soviet Republics forming part of the RSFSR shall, after they have been passed by the respective Councils of the People's Commissars and Central Executive Committees of these republics and examined by the Council of People's Commissars of the RSFSR, be approved by the All-Russian Central Executive Committee of Soviets as integral parts of the budget of the RSFSR.

Article 81. Not a single item of expenditure from the state treasury shall be incurred unless an appropriation for the same has been made in the state budget, or unless a special decree to that effect has been issued by a legislative body of the RSFSR.

Article 82. All expenditures provided for in the budget of the RSFSR shall be kept within the exact limits of the corresponding estimates and shall be incurred only for the specific purpose intended.

Article 83. All local revenues and all local expenditures shall be combined in local budgets in the manner prescribed by All-Union and Republic legislation.

Article 84. Local budgets shall be drawn up by the respective Congresses of Soviets or in proper cases by the respective Executive Committees as well as Town Soviets of Deputies, under the general control of the respective central authorities of the RSFSR.

Article 85. The audit of the budget of the RSFSR shall be confirmed by the All-Russian Central Executive Committee of Soviets.

Article 86. The legislation of the USSR and of the RSFSR shall provide that, in the event of expenditure arising out of such legislation having to be met out of local funds, the local authorities be empowered to raise these funds by taxation as well as otherwise.

PART VI

CHAPTER VIII

COAT OF ARMS, FLAG AND CAPITAL OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

Article 87. The state coat of arms of the RSFSR shall consist of the image of a golden sickle and hammer against a red background showing the rays of the sun, the sickle and hammer to be placed crosswise, handles down, surrounded by a wreath of ears of corn bearing the legends:

(a) RSFSR and

(b) *Workers of the World, Unite!*

Article 88. The state flag of the RSFSR shall consist of a field of red (crimson) displaying the letters RSFSR in gold, in the upper left-hand corner, near the staff.

Article 89. The capital of the RSFSR shall be the city of Moscow.

VII

CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS

[This Union Constitution was ratified at the II Congress of Soviets of the Union, on January 31, 1924. It had been put into force already on July 6, 1923, by a Resolution of the Central Executive Committee elected by the I All-Union Congress, which had concluded the treaty on the formation of the Union on December 30, 1922.

The text used here is that issued by the "Co-operative Publishing Society of Foreign Workers in the USSR" of Moscow in 1932, and embodies all amendments and modifications made to that date. Comparison with the official Russian text as published in 1934 supplied amendments and modifications to that date].

The Central Executive Committee of the Union of Soviet Socialist Republics (USSR), solemnly proclaiming the firmness of the foundations of the Soviet authority, acting in pursuance of the resolution adopted by the First Congress of Soviets of the USSR and basing itself on the treaty concerning the formation of the USSR concluded at the First Congress of Soviets of the USSR, in the City of Moscow, on December 30, 1922; and further taking into consideration the amendments and modifications proposed by the Central Executive Committees of the Union Republics, decrees:

That the declaration concerning the formation of the USSR and the treaty concerning the formation of the USSR shall constitute the Constitution (Fundamental Law) of the USSR.

PART I

DECLARATION CONCERNING THE FORMATION OF THE
UNION OF SOVIET SOCIALIST REPUBLICS

Since the formation of the Soviet republics the countries of the world have split into two camps: the camp of capitalism and the camp of socialism.

There, in the camp of capitalism, we find national animosities and inequality, colonial slavery and chauvinism, national oppression and pogroms, imperialist brutality and wars.

Here, in the camp of socialism, there is mutual confidence and peace, national freedom and equality and the fraternal collaboration of nations peacefully dwelling side by side.

The attempts of the capitalist world for decades past to solve the problem of nationalities by combining the free development of peoples with the system of exploitation of man by man have proved fruitless. On the contrary, the tangle of national antagonisms becomes more and more involved, threatening the very existence of capitalism. The bourgeoisie has shown itself powerless to organize the collaboration of nations.

Only in the camp of the Soviets, only under the dictatorship of the proletariat which rallied around itself the majority of the population, has it become possible to abolish national oppression root and branch, to create the conditions engendering mutual confidence and to lay the foundations of a fraternal collaboration of nations.

Only thanks to these circumstances did the Soviet republics succeed in warding off the attacks of the imperialists of the whole world, both domestic and foreign; it is only thanks to these circumstances that they managed successfully to terminate the civil war, to secure their existence and to commence peaceful economic construction.

However, the years of war left their trace. The ruined fields, idle factories, shattered productive forces and exhausted economic resources which were left as a heritage of war, rendered inadequate all the efforts made by the separate republics to build up their economy. The restoration of the national econ-

omy was impossible while the republics continued to exist separately.

On the other hand, the instability of the international situation and the danger of new attacks render inevitable the creation of a united front of the Soviet republics to face the capitalist encirclement.

Finally, the very structure of Soviet authority, international in its class essence, impels the toiling masses of the Soviet republics to enter the path of union to form one socialist family.

All these circumstances imperatively demand the unification of the Soviet republics into a single federal state, capable of securing the peoples against attacks from without and assuring them of domestic economic prosperity and freedom of national development of the peoples.

The will of the peoples constituting the Soviet republics which recently assembled in the Congresses of their respective Soviets and there unanimously decided to form the "Union of Soviet Socialist Republics," is a reliable guaranty that this Union is a voluntary association of peoples enjoying equal rights, that the right of each republic to secede from the Union is inviolate, that admission to the Union is open to all socialist Soviet republics whether now existing or hereafter to come into being, that the new federal state will prove itself a worthy pinnacle crowning the foundation laid as early as October, 1917, to permit nations to dwell peacefully side by side in fraternal collaboration, that it will serve as a reliable bulwark against world capitalism and will make a new decisive step toward uniting the workers of the world into a World Socialist Soviet Republic.

PART II

TREATY CONCERNING THE FORMATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Russian Socialist Federated Soviet Republic (RSFSR), the Ukrainian Socialist Soviet Republic (Ukr. SSR), the White-Russian Socialist Soviet Republic (WRSSR), the Transcaucasian

Socialist Federated Soviet Republic (TSFSR) (the Soviet Socialist Republic of Azerbaizhan, the Soviet Socialist Republic of Georgia and the Soviet Socialist Republic of Armenia), the Uzbek Socialist Soviet Republic (Uz. SSR) and the Tadzhik Socialist Soviet Republic (Tadzh. SSR) hereby agree to unite into one federal state, to be known as the Union of Soviet Socialist Republics (USSR).

CHAPTER I

JURISDICTION OF THE SUPREME AUTHORITIES OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 1. The jurisdiction of the USSR represented by its supreme authorities, shall extend to:

(a) Representing the Union in international relations, conducting all diplomatic relations, concluding political and other treaties with foreign states;

(b) Altering the frontiers of the Union and adjusting questions concerning the alteration of boundaries between Union republics;

(c) Concluding treaties concerning the admission of new republics into the Union;

(d) Declaring war and concluding peace;

(e) Contracting foreign and domestic loans of the USSR and authorizing foreign and domestic loans of the Union republics;

(f) Ratifying international treaties;

(g) Directing foreign trade, establishing a system of supply and of domestic trade;

(h) Laying the foundations of and establishing a general plan for the entire national economy of the Union, determining which branches of industry and which individual industrial enterprises possess All-Union importance, concluding concession agreements both in the name of the Union and in the name of the Union republics;

(i) Directing the transport, postal and telegraphic services;

(j) Organizing and directing the armed forces of the USSR;

(*k*) Confirming the single financial plan and the single state budget of the USSR, in which the budgets of the Union republics shall be incorporated; determining All-Union taxes and revenue as well as the deductions from and additions to the same which shall enter into the budgets of the Union republics, authorizing supplemental taxes and dues to constitute the budgets of the Union republics.

(*l*) Establishing a uniform monetary and credit system;

(*m*) Establishing general principles for the development and use of the soil as well as the exploitation of the mineral deposits, forests, and bodies of water throughout the entire territory of the Union of Soviet Socialist Republics;

(*n*) Enacting All-Union laws concerning inter-republic migration and creating a migration fund;

(*o*) Establishing principles of judicature and legal procedure as well as principles of civil and criminal legislation for the Union;

(*p*) Enacting basic labor laws;

(*q*) Establishing general principles in the domain of public education;

(*r*) Enacting general measures for the protection of public health;

(*s*) Establishing a system of weights and measures;

(*t*) Organizing an all-Union system of statistics;

(*u*) Fundamental legislation concerning Union citizenship with reference to the rights of foreigners;

(*v*) The right of amnesty affecting the whole territory of the Union;

(*w*) Annulling decisions of the Congresses of Soviets and of the Central Executive Committees of the Union republics which violate the present Constitution;

(*x*) Settling points of dispute which may arise between Union republics.

Article 2. The Congress of Soviets of the USSR shall have exclusive jurisdiction to ratify or modify the fundamental principles of the present Constitution.

CHAPTER II

SOVEREIGN RIGHTS OF THE UNION REPUBLICS AND
UNION CITIZENSHIP

Article 3. The sovereignty of the Union republics shall be restricted only to the extent set forth in the present Constitution, which restrictions shall be confined to the subject matters delegated to the jurisdiction of the Union. Except as so restricted, every Union republic shall enjoy the rights of an independent state. The USSR shall protect the sovereign rights of the Union republics.

Article 4. Each Union republic shall retain its right freely to secede from the Union.

Article 5. The Union republics shall amend their respective constitutions to conform to the present Constitution.

Article 6. The territory of a Union republic may not be changed without its consent; likewise the consent of all the republics forming part of the USSR shall be required to amend, limit, or repeal Article 4.

Article 7. A uniform national citizenship shall be established for the citizens of the Union republics.

CHAPTER III

CONGRESS OF SOVIETS OF THE UNION OF SOVIET
SOCIALIST REPUBLICS

Article 8. The Congress of Soviets and, during the intervals between the Congresses of Soviets, the Central Executive Committee of the USSR consisting of the Union Council and the Council of Nationalities, shall be the supreme authorities of the USSR.

Article 9. The Congress of Soviets of the USSR shall consist of the representatives of Town Soviets and of the Soviets of urban settlements, apportioned at the rate of one deputy for every twenty-five thousand electors, and of the representatives

of the Village Soviets at the rate of one deputy for every one hundred and twenty-five thousand inhabitants.

Article 10. The delegates to the Congress of Soviets of the USSR shall be elected as follows:

(a) Directly at the Congresses of Soviets of the Union republics, which are not divided into regions.¹

(b) At the Regional Congresses of Soviets in those Union republics which are divided into regions;

(c) At the Congresses of Soviets of the Soviet Socialist Republics of Azerbaizhan, Georgia, and Armenia and at the Congresses of Soviets of the Autonomous Republics and Regions, both those which form and those which do not form parts of regional federations.

Article 11. The regular Congresses of the Soviets of the USSR shall be convened by the Central Executive Committee of the USSR once every two years; special Congresses shall be convened by the Central Executive Committee of the USSR on its own decision or at the demand of the Union Council, of the Council of Nationalities or of two Union republics.

Article 12. If extraordinary circumstances shall prevent the convocation of the Congress of Soviets of the USSR at the regular time, the Central Executive Committee of the USSR shall be empowered to postpone the convocation of the Congress.

CHAPTER IV

CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 13. The Central Executive Committee of the USSR shall consist of the Union Council and the Council of Nationalities.

Article 14. The Congress of Soviets of the USSR shall elect a Union Council to consist of representatives of the Union republics in proportion to the population of each of them and in

¹ The term "region" is used to include the terms "territory" and "province" used elsewhere.

such number as shall be determined by the Congress of Soviets of the USSR.

Article 15. The Council of Nationalities shall consist of five representatives each from the Union and autonomous Soviet socialist republics and of one representative each from the autonomous regions. The composition of the Council of Nationalities shall be confirmed as a whole by the Congress of Soviets of the USSR.

Article 16. The Union Council and the Council of Nationalities shall examine all decrees, codes and decisions submitted to them by the Presidium of the Central Executive Committee or by the Council of People's Commissars of the USSR, by the respective People's Commissariats of the Union or by the Central Executive Committees of the Union republics, also those which may come before it on the initiative of the Union Council or the Council of Nationalities.

Article 17. The Central Executive Committee of the USSR shall issue codes of law, decrees, decisions and orders, shall co-ordinate the legislative and administrative work of the USSR and shall determine the scope of activity of the Presidium of the Central Executive Committee and of the Council of People's Commissars of the USSR.

Article 18. All decrees and decisions which shall determine the general forms of political and economic life of the USSR, and also those which shall introduce radical changes in the existing practices of the state authorities of the USSR, must under all circumstances be submitted for the consideration and confirmation of the Central Executive Committee of the USSR.

Article 19. All decrees, decisions and orders issued by the Central Executive Committee must be directly carried out throughout the whole territory of the USSR.

Article 20. The Central Executive Committee of the USSR shall be authorized and empowered to suspend or annul any decree, decision or order issued by the Presidium of the Central Executive Committee of the USSR, or by a Congress of Soviets or by a Central Executive Committee of any Union republic, or by any other authority within the territory of the USSR.

Article 21. The regular sessions of the Central Executive

Committee of the USSR shall be called by the Presidium of the Central Executive Committee at least three times during the interval between two regular Congresses of Soviets of the USSR.

Special sessions shall be called by decision of the Presidium of the Central Executive Committee of the USSR, at the demand of the Central Executive Committee of one of the Union republics.

Article 22. Projects of law which shall be submitted to the Central Executive Committee of the USSR for its consideration shall obtain the force of law only if passed by both the Union Council and the Council of Nationalities, and shall be promulgated in the name of the Central Executive Committee of the USSR.

Article 23. If the Union Council and the Council of Nationalities shall fail to agree on any question, the question shall be referred to a conciliation committee to be appointed by them.

Article 24. If no agreement is reached by the conciliation committee, the question shall be referred to a joint meeting of the Union Council and the Council of Nationalities for their consideration, and if the question shall fail to obtain a majority of the votes cast in either the Union Council or in the Council of Nationalities, it may, at the demand of either of these bodies, be submitted for decision to a regular or special Congress of Soviets of the USSR.

Article 25. The Union Council and the Council of Nationalities shall each elect a Presidium to consist of nine members, whose functions shall be to prepare the sessions of their respective councils and to direct the work of these sessions.

Article 26. During the intervals between the sessions of the Central Executive Committee of the USSR, the supreme authority shall be vested in the Presidium of the Central Executive Committee of the USSR, which shall be formed by the Central Executive Committee and shall consist of 27 members, which number shall include all the members of the Presidiums of both the Union Council and the Council of Nationalities.

A joint meeting of the Union Council and of the Council of

Nationalities shall be held for the purpose of forming the Presidium of the Central Executive Committee and of the Council of People's Commissars of the USSR as provided by Articles 26 and 37 of the present Constitution. The Union Council and the Council of Nationalities shall vote separately at the joint meeting of the Union Council and of the Council of Nationalities.

Article 27. The Central Executive Committee shall elect as many Chairmen of the Central Executive Committee of the USSR as there are Union republics from among the members of the Presidium of the Central Executive Committee of the USSR.

Article 28. The Central Executive Committee of the USSR shall be responsible to the Congress of Soviets of the USSR.

CHAPTER V

PRESIDIUM OF THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 29. During the intervals between the sessions of the Central Executive Committee of the USSR the Presidium of the Central Executive Committee of the USSR shall be the highest legislative, executive and administrative authority of the USSR.

Article 30. The Presidium of the Central Executive Committee of the USSR shall supervise the observance by all authorities of the Constitution of the USSR and the execution of all orders of the Congress of Soviets and of the Central Executive Committee of the USSR by all authorities.

Article 31. The Presidium of the Central Executive Committee of the USSR shall be empowered to suspend or annul any order of the Council of People's Commissars or of an individual People's Commissariat of the USSR, or of a Central Executive Committee or Council of People's Commissars of a Union republic.

Article 32. The Presidium of the Central Executive Committee of the USSR shall be empowered to suspend any order of a Congress of Soviets of a Union republic, but shall thereafter submit such decision for review and approval by the Central Executive Committee of the USSR.

Article 33. The Presidium of the Central Executive Committee of the USSR may issue decrees, decisions and orders, and shall examine and approve the drafts of decrees and decisions submitted to it by the Council of People's Commissars, by the separate departments of the USSR, by the Central Executive Committees of the Union republics, by their Presidiums and by other authorities.

Article 34. The decrees and regulations of the Central Executive Committee, of its Presidium and of the Council of People's Commissars of the USSR shall be printed in the languages generally spoken in the Union republics (Russian, Ukrainian, White Russian, Georgia, Armenian, Azerbaizhan, Uzbek, Turkoman and Tadzhik (Farsid)).

Article 35. The Presidium of the Central Executive Committee of the USSR shall decide all questions regarding the mutual relations between the Council of People's Commissars of the USSR and the People's Commissariats of the USSR, on the one part, and the Central Executive Committees of the Union republics and their respective Presidiums on the other.

Article 36. The Presidium of the Central Executive Committee of the USSR shall be responsible to the Central Executive Committee of the USSR.

CHAPTER VI

COUNCIL OF PEOPLE'S COMMISSARS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 37. The executive and administrative organ of the Central Executive Committee of the USSR shall be the Council of People's Commissars of the USSR, which shall be formed by the Central Executive Committee of the USSR and shall consist of the following members:

The President of the Council of People's Commissars of the USSR and of the Council of Labor and Defense;

The Vice-Presidents;

The President of the State Planning Commission;

The People's Commissar of Foreign Affairs;

The People's Commissar of the Army and Navy; ¹

The People's Commissar of Foreign Trade;

The People's Commissar of Railways;

The People's Commissar of Water Transport;

The People's Commissar of Post and Telegraphs; ²

The People's Commissar of the Workers' and Peasants' Inspection; ³

The President of the Supreme Council of National Economy; ⁴

The People's Commissar of Agriculture;

The People's Commissar of Labor; ⁵

The People's Commissar of Supplies; ⁶

The People's Commissar of Finance; ²

Article 38. The Council of People's Commissars of the USSR may, within the scope of authority granted to it by the Central Executive Committee of the USSR and by virtue of the statutes concerning the Council of People's Commissars of the USSR, issue decrees and orders which shall be binding throughout the whole territory of the USSR.

Article 39. The Council of People's Commissars of the USSR shall examine the decrees and orders submitted to it both by the respective People's Commissariats of the USSR and by the Central Executive Committees of the Union republics and their respective Presidium.

¹ Renamed "People's Commissar of Defense" in 1935.

² Renamed "People's Commissar of Communications."

³ Abolished in 1934.

⁴ Reorganized into an All-Union Commissariat of Heavy Industry, while light and lumber industries were organized into corresponding federated commissariats.

⁵ Merged with the All-Union Supreme Soviet of Trade Unions in 1933.

⁶ A People's Commissariat of State Grain and Livestock Farms was added in 1932.

Article 40. The Council of People's Commissars of the USSR shall be responsible to the Central Executive Committee of the USSR and its Presidium for all of its activities.

Article 41. Any decision or order of the Council of People's Commissars of the USSR may be suspended or annulled by the Central Executive Committee of the USSR or by its Presidium.

Article 42. The Central Executive Committees of the Union republics and their respective Presidiums may appeal against any decree or orders of the Council of People's Commissars of the USSR, to the Presidium of the Central Executive Committee of the USSR without, however, suspending the execution of such decree or decision.

CHAPTER VII

SUPREME COURT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 43. For the purpose of enforcing revolutionary law and order within the territory of the USSR, a Supreme Court shall be established, which shall be attached to the Central Executive Committee of the USSR. This Court shall possess the following jurisdiction:

(a) To give the Supreme Courts of the respective Union republics authoritative interpretations of questions relating to All-Union legislation;

(b) To review, on the representation of the Public Prosecutor of the Supreme Court of the USSR, any decision, order or judgment of the Supreme Courts of the Union republics that may be in contravention of All-Union legislation or that may affect the interests of other republics, and to appeal any such decision, order or judgment to the Central Executive Committee of the USSR.

(c) To render an opinion on the constitutionality of any decision of a Union republic if requested to do so by the Central Executive Committee of the USSR.

(d) To adjudicate legal disputes between Union republics;

(e) To try the highest officials of the Union who may be accused of malfeasance in office.

Article 44. The Supreme Court of the USSR may sit as one of the following tribunals:

(a) The Plenary Session of the Supreme Court of the USSR.

(b) The Civil and Criminal Collegiums of the Supreme Court of the USSR.

(c) The Military Collegium;

(d) The Collegium on Transport Cases;

Article 45. The Plenary Session of the Supreme Court of the USSR shall consist of the following members: the President of the Supreme Court, his deputy, the Presidents of the Plenary Sessions of the Supreme Courts of the Union republics, the Presidents of the Collegiums of the Supreme Court of the USSR and four members who shall be appointed by the Presidium of the Central Executive Committee of the USSR, including one representative of the Union State Political Department (OGPU) of the USSR. The President of the Supreme Court and his deputy shall be appointed by the Presidium of the Central Executive Committee of the USSR.

Article 46. The Presidium of the Central Executive Committee of the USSR shall appoint a Public Prosecutor and a Deputy Public Prosecutor of the Supreme Court of the USSR. It shall be the duty of the Public Prosecutor of the Supreme Court of the USSR to render opinions on all questions coming before the Supreme Court of the USSR for decision, to act as prosecuting authority at the sessions of the Court and in the event of disagreement with the decision of the Plenary Session of the Supreme Court of the USSR, to appeal the decision to the Presidium of the Central Executive Committee of the USSR.¹

Article 47. The right to submit any question indicated in article 43 to the Plenary Session of the Supreme Court of the USSR can be exercised only on the initiative of the Central Executive Committee of the USSR, of its Presidium, of the

¹ A Prosecuting Department of the Union was established in 1933.

Public Prosecutor of the Supreme Court of the USSR, of a public prosecutor of a Union republic or of the United State Political Department of the USSR.

Article 48. The Plenary Session of the Supreme Court of the Union shall set up special tribunals for the trial of the following cases:

(a) Criminal and civil cases of exceptional importance, the subject matter of which shall affect two or more Union republics;

(b) Cases where members of the Central Executive Committee or of the Council of People's Commissars of the USSR shall be personally indicted.

The Supreme Court of the USSR may proceed in such cases only after a special decision to that effect has been rendered by the Central Executive Committee or its Presidium in each separate instance.

CHAPTER VIII

PEOPLE'S COMMISSARIATS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 49. The twelve People's Commissariats indicated in Article 37 of the present Constitution shall be established for the purpose of giving direct guidance to the separate branches of the state administration which are under the jurisdiction of the Council of People's Commissars of the USSR. These People's Commissariats shall function in accordance with the provisions of the statute concerning the People's Commissariats, approved by the Central Executive Committee of the USSR.

Article 50. The People's Commissariats of the USSR shall be divided into:

(a) All-Union People's Commissariats, united for the whole of the USSR.

(b) Federated People's Commissariats of the USSR.

Article 51. The following shall be the All-Union People's Commissariats of the USSR:

The Commissariats of Foreign Affairs, of the Army and Navy, of Foreign Trade, of Railways, of Water Transport, and of Post and Telegraphs.

Article 52. The following shall be the Federated People's Commissariats of the USSR:

The Supreme Council of National Economy, the People's Commissariats of Agriculture, of Labor, of Supplies, of Finance and of the Workers' and Peasants' Inspection.

Article 53. The All-Union People's Commissariats of the USSR shall have their plenipotentiary representatives attached to the Union republics who shall be immediately subordinate to these Commissariats.

Article 54. The organs of the Federated People's Commissariats of the USSR, which shall execute their respective tasks within the territories of the Union republics, shall be the People's Commissariats of these republics of similar name.

Article 55. The members of the Council of People's Commissars—known as People's Commissars of the USSR—shall be at the head of the respective People's Commissariats of the USSR.

Article 56.¹ A Collegium shall be attached to each People's Commissar, of which he shall be President and the members of which shall be appointed by the Council of People's Commissars of the USSR.

Article 57. Each People's Commissar shall be empowered himself to render decisions on all questions within the jurisdiction of the respective Commissariat, informing its Collegium of such decisions. If the Collegium or any one of its members shall disagree with any decision of the People's Commissar, it or he may, without suspending the execution thereof, appeal against such decision to the Council of People's Commissars of the USSR.

Article 58. Any order of the individual People's Commissariats of the USSR may be annulled by the Presidium of the

¹ In 1934 the Collegiums of the People's Commissariats of the Union were abolished, and in their place were established Councils, of from 40 to 70 members, not less than half of whom must be representatives of local organizations and enterprises, these Councils to be convened once a month.

Central Executive Committee or by the Council of People's Commissars of the USSR.

Article 59. Any order of People's Commissariats of the USSR may be suspended by a Central Executive Committee or a Presidium of such Central Executive Committee of a Union republic, if such order is palpably in violation of the Union Constitution or of the laws of the Union or of the laws of the Union republic. The Central Executive Committees or the Presidiums of the Central Executive Committees of the Union republics, as the case may be, shall immediately inform the Council of People's Commissars of the USSR and the corresponding People's Commissar of the USSR of such suspension of an order.

Article 60. The People's Commissars of the USSR shall be responsible to the Council of People's Commissars, to the Central Executive Committee of the USSR and to its Presidium.

CHAPTER IX

UNITED STATE POLITICAL DEPARTMENT (OGPU)¹

Article 61. For the purpose of combining the revolutionary efforts of the Union republics to combat the political and economic counter-revolution, espionage and banditry, a United State Political Department (OGPU) shall be set up and attached to the Council of People's Commissars of the USSR, the President of which shall be a member of the Council of People's Commissars of the USSR with consultative voice.

Article 62. The United State Political Department of the USSR shall direct the work of the local authorities of the State Political Department (GPU) through its plenipotentiary representatives attached to the Councils of the People's Commissars of the Union republics, which shall function in accordance with the provisions of a special statute duly enacted.

Article 63. The legality of the actions of the Union State

¹ Abolished by being merged into a new Commissariat of Home Affairs in 1934.

Political Department of the USSR shall be supervised by the Public Prosecutor of the Supreme Court of the USSR, by virtue of a special statute of the Central Executive Committee of the USSR.

CHAPTER X

UNION REPUBLICS

Article 64. The Congress of Soviets of each Union republic, and during the intervals between the Congresses, the Central Executive Committee of the Congress, shall be the supreme authority within the territory of each Union republic.

Article 65. The mutual relations between the supreme organs of authority of the Union republics and the supreme organs of authority of the USSR are defined in the present Constitution.

Article 66. The Central Executive Committees of the Union republics shall elect Presidiums from among their respective members, which shall constitute the supreme authority during the intervals between the sessions of the Central Executive Committees.

Article 67. The Central Executive Committees of the Union republics shall form Councils of People's Commissars, which shall be their executive organs and shall consist of the following members:

The President of the Council of People's Commissars; Vice-Presidents; the President of the State Planning Commission; the President of the Supreme Council of National Economy; the People's Commissar of Agriculture; the People's Commissar of Finance; the People's Commissar of Supplies; the People's Commissar of Education; the People's Commissar of Workers' and Peasants' Inspection; the People's Commissar of Public Health; the People's Commissar of Social Maintenance,¹ and also the following members who shall have a consultative or a full vote, as the Central Executive Committees of the Union republics may decide: the plenipotentiary representatives of the People's Commissariats of the USSR of Foreign Affairs, of the

¹ People's Commissars of Communal Economy were introduced in 1931.

Army and Navy, of Foreign Trade, of Railways, of Water Transport, of Post and Telegraph.

Article 68. The Supreme Councils of National Economy, the People's Commissariats of Agriculture, of Supplies, of Finance, of Labor and of the Workers' and Peasants' Inspection of the Union republics, while subordinate to the Central Executive Committees and the Councils of People's Commissars of the Union republics, shall carry out the directives of the corresponding People's Commissariats of the USSR in their activities.

Article 69. The right of amnesty, the right to pardon and to rehabilitate citizens condemned by any court or administrative body of the Union republics shall be reserved to the Central Executive Committees of these republics.

CHAPTER XI

COAT OF ARMS, FLAG AND THE CAPITAL OF THE UNION OF THE SOVIET SOCIALIST REPUBLICS

Article 70. The State coat of arms of the USSR shall consist of a sickle and hammer on a globe shown in the rays of the sun, bordered with ears of corn and bearing the following legend in the languages generally spoken in the Union republics: "Proletarians of All Countries, Unite!" A five-pointed star shall be placed above the coat of arms.

Article 71. The State flag of the USSR shall consist of a field of red or crimson with the image of a golden sickle and hammer in the upper corner near the staff and above them the image of a red five-pointed star bordered with gold edging; the proportion of the length to the width shall be two to one.

Article 72. The capital of the USSR shall be the city of Moscow.

VIII

NEW CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS

[At the All-Union Congress of Soviets in January 1935, it was voted to alter the Constitution so as to introduce universal and equal suffrage, with direct election on secret ballot for all Soviets, central as well as local, and also register the economic and social changes that have taken place under the five-year plans. A Commission was appointed to work out the proposed amendments. In June, 1936, the Presidium of the Central Executive Committee voted "to publish the draft of the Constitution for discussion by the whole population," and to convene an All-Union Congress of Soviets on November 25, 1936, to consider the draft.

The widest publicity was given to the draft, and the Soviet newspapers carried columns of comment, from individuals and organizations, with suggestions and criticism of detail. As Stalin was the Chairman of the Constitution Commission, the proposed Constitution was generally referred to as "Stalin's Constitution." The official English text of the Constitution used here appeared in the *Moscow News* (Weekly Edition), of June 17, 1936; it was correlated with the official Russian text given in the *Izvestia* of June 12, 1936. The forty-three amendments to the original draft, as adopted by the Congress on December 5, 1936, have been incorporated from the text given in the *Izvestia* of December 6, 1936. The use of the present tense in this translation, instead of the imperative future found in the translations of the other constitutions, conforms to the Russian usage.]

CHAPTER I

SOCIAL ORGANIZATION

Article 1. The Union of Soviet Socialist Republics (USSR) is a socialist state of workers and peasants.

Article 2. The political foundation of the USSR is formed by the Soviets of toilers' deputies which have grown and become strong as a result of the overthrow of the power of the landlords and capitalists and the conquests of the dictatorship of the proletariat.

Article 3. All power in the USSR belongs to the toilers of the town and village in the form of Soviets of toilers' deputies.

Article 4. The economic foundation of the USSR consists in the socialist system of economy and socialist ownership of the implements and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the implements and means of production and the abolition of exploitation of man by man.

Article 5. Socialist ownership in the USSR has either the form of state ownership (public property) or the form of co-operative and collective-farm ownership (property of individual collective farms, property of co-operative associations).

Article 6. The land, its deposits, waters, forests, mills, factories, mines, railway, water and air transport, banks, means of communication, large agricultural enterprises organized by the state (state farms, machine-tractor stations, and so on), as well as communal enterprises and the essential part of housing in the cities and industrial centers, are state property, that is, public property.

Article 7. Public enterprises in collective farms and co-operative organizations, with their livestock and implements, products produced by the collective farms and co-operative organizations as well as their public buildings, constitute the public, socialist property of the collective farms and co-operative organizations.

Each collective farm household, in addition to the basic income from the socialized collective-farm economy, has for its own use a plot of land attached to the household and, as individual property, subsidiary establishments on the land attached

to the household, a house, productive livestock and poultry, and minor agricultural implements—in accordance with the statutes of the agricultural *artel*.

Article 8. The land occupied by collective farms is secured to them for use without payment and time limit, that is, in perpetuity.

Article 9. Alongside the socialist system of economy, which is the dominant form of economy in the USSR, the law allows small private economy of individual peasants and handicraftsmen based on individual labor and excluding the exploitation of the labor of others.

Article 10. The right of personal ownership by citizens of their income from work and savings, home and auxiliary household economy, of objects of domestic and household economy, of objects of personal use and comfort, as well as the right of inheritance of the personal property of citizens—is protected by law.

Article 11. The economic life of the USSR is determined and directed by the national economic state plan for the purposes of increasing public wealth, of a steady rise in the material and cultural level of the toilers, of strengthening the independence of the USSR and its defense capacity.

Article 12. Work in the USSR is the obligation and matter of honor of each citizen capable of working, according to the principle: "He who does not work shall not eat." In the USSR the principle of socialism is being realized: "From each according to his ability, to each according to his work."

CHAPTER II

STATE ORGANIZATION

Article 13. The USSR is a federal state, formed on the basis of the voluntary association of the Soviet Socialist Republics with equal rights:

Russian Soviet Federated Socialist Republic,
Ukrainian Soviet Socialist Republic,
White-Russian Soviet Socialist Republic,
Azerbaijan Soviet Socialist Republic.

Georgian Soviet Socialist Republic,
 Armenian Soviet Socialist Republic,
 Turkmenian Soviet Socialist Republic,
 Uzbek Soviet Socialist Republic,
 Tadzhik Soviet Socialist Republic,
 Kazakh Soviet Socialist Republic,
 Kirghiz Soviet Socialist Republic.

Article 14. The jurisdiction of the USSR, as represented by its supreme organs of power and organs of state administration, extends to:

(a) Representation of the Union in international relations, conclusion and ratification of treaties with other states;

(b) Questions of war and peace;

(c) Admission of new republics into the USSR;

(d) Control of the observance of the Constitution of the USSR and ensuring conformity of the constitutions of the Union republics with the Constitution of the USSR;

(e) Approval of alterations of boundaries between Union republics;

(f) Confirmation of the forming of new regions, and also of new autonomous republics within Union republics;

(g) Organization of the defense of the USSR and the direction of all the armed forces of the USSR;

(h) Foreign trade on the basis of the state monopoly;

(i) Protection of state security;

(j) Establishment of the national economic plans of the USSR;

(k) Approval of the unified state budget of the USSR as well as the taxes and revenues entering into the USSR, Union republic and local budgets;

(l) Administration of banks, industrial and agricultural establishments as well as trading enterprises of All-Union importance;

(m) Administration of transport and means of communication;

(n) Direction of the monetary and credit system;

(o) Organization of the state insurance;

(p) Contracting and granting loans;

(*q*) Establishment of the fundamental principles for the use of land as well as the exploitation of deposits, forests and waters;

(*r*) Establishment of the fundamental principles in the field of education and protection of public health;

(*s*) Organization of a unified system of national economic accounting;

(*t*) Establishment of basic labor laws;

(*u*) Legislation on judicature and legal procedure; criminal and civil codes;

(*v*) Laws on citizenship of the Union; laws on the rights of foreigners;

(*x*) Passing All-Union amnesty acts.

Article 15. The sovereignty of the Union republics is restricted only within the limits set forth in Article 14 of the Constitution of the USSR. Outside of these limits, each Union republic exercises independently its state power. The USSR protects the sovereign rights of the Union republics.

Article 16. Each Union republic has its own Constitution, which takes into account the specific features of the republic and is drawn up in full conformity with the Constitution of the USSR.

Article 17. Each Union republic retains its right freely to secede from the USSR.

Article 18. The territory of the Union republics may not be changed without their consent.

Article 19. The laws of the USSR have the same force in the territories of all Union republics.

Article 20. In the event of a law of a Union republic differing from an All-Union law, the All-Union law prevails.

Article 21. A single Union citizenship is established for all citizens of the USSR. A citizen of a Union republic is also a citizen of the USSR.

Article 22. The Russian Soviet Federated Socialist Republic consists of the following Territories:¹ Azov-Black Sea, Far East, West Siberia, Krasnoyarsk, North Caucasus; Provinces:¹ Voronezh, East Siberia, Gorky, Western, Ivanovo, Kalinin,

¹ Both these terms are elsewhere given as "Regions."

Kirov, Kuibyshev, Kursk, Leningrad, Moscow, Omsk, Orenburg, Saratov, Sverdlovsk, Northern, Stalingrad, Chelyabinsk, Yaroslavl; Autonomous Soviet Socialist Republics: Tatar, Bashkir, Daghestan, Buryat-Mongolia, Kabardino-Balkaria, Kalmyk, Karelia, Komi, Crimea, Marii, Mordva, Volga German, North Osetia, Udmurt, Chechen-Ingush, Chuvash, Yakut; Autonomous Provinces: Adygei, Jewish, Karachayev, Oiro, Khakas, Cherkes.

Article 23. The Ukrainian Soviet Socialist Republic consists of the following Provinces: Vinnitsa, Dnepropetrovsk, Donets, Kiev, Odessa, Kharkov, Chernigov, and the Moldavian Autonomous Soviet Socialist Republic.

Article 24. The Azerbaizhan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Province.

Article 25. The Georgian Soviet Socialist Republic includes the Abkhazian ASSR, Adzharian ASSR, South Osetian Autonomous Province.

Article 26. The Uzbek Soviet Socialist Republic includes the Kara-Kalpak ASSR.

Article 27. The Tadzhik Soviet Socialist Republic includes the Gorno-Badakhshan Autonomous Province.

Article 28. The Kazakh Soviet Socialist Republic consists of the following Provinces: Aktyubin, Alma-Ata, East Kazakhstan, West Kazakhstan, Karaganda, Kutanai, North Kazakhstan, South Kazakhstan.

Article 29. The Armenian SSR, White Russian SSR, Turkmenian SSR, and Kirghiz SSR do not include any autonomous republics or territories and provinces.

CHAPTER III

SUPREME ORGANS OF STATE POWER

Article 30. The supreme organ of state power of the USSR is the Supreme Council¹ of the USSR.

¹ In Russian the word used is also "Soviet."

Article 31. The Supreme Council of the USSR exercises all rights vested in the Union of Soviet Socialist Republics according to Article 14 of the Constitution, insofar as they do not enter, by virtue of the Constitution, into the competence of those organs of the USSR subordinate to the Supreme Council of the USSR: the Presidium of the Supreme Council of the USSR, the Council of People's Commissars of the USSR, and the People's Commissariats of the USSR.

Article 32. The legislative power of the USSR is exercised exclusively by the Supreme Council of the USSR.

Article 33. The Supreme Council of the USSR consists of two chambers: the Council¹ of the Union and the Council¹ of Nationalities.

Article 34. The Council of the Union is elected by election districts by the citizens of the USSR on the basis of one deputy per 300,000 of population.

Article 35. The Council of Nationalities is elected by the citizens of the USSR, by Union republics and autonomous republics, by autonomous regions and national districts (*okrug*), on the basis of 25 deputies from each Union republic, 11 deputies from each autonomous republic, 5 deputies from each autonomous region and one deputy from each national district.

Article 36. The Supreme Council of the USSR is elected for a period of four years.

Article 37. Both chambers of the Supreme Council of the USSR, the Council of the Union and Council of Nationalities, have equal rights.

Article 38. Legislative initiative belongs in equal degree to the Council of the Union and the Council of Nationalities.

Article 39. A law is considered approved if adopted by both chambers of the Supreme Council of the USSR by simple majority vote in each.

Article 40. Laws adopted by the Supreme Council of the USSR are published in the languages of the Union republics over the signatures of the Chairman and Secretary of the Presidium of the Supreme Council of the USSR.

¹ In Russian the word used is also "Soviet."

Article 41. Sessions of the Council of the Union and of the Council of Nationalities begin and terminate concurrently.

Article 42. The Council of the Union elects the chairman of the Council of the Union and two vice-chairmen.

Article 43. The Council of Nationalities elects the chairman of the Council of Nationalities and two vice-chairmen.

Article 44. The chairmen of the Council of the Union and of the Council of Nationalities direct the sessions of the corresponding chambers and regulate their inner arrangements.

Article 45. Joint sessions of both chambers of the Supreme Council of the USSR are directed in turn by the chairman of the Council of the Union and the chairman of the Council of Nationalities.

Article 46. Sessions of the Supreme Council of the USSR are convened by the Presidium of the Supreme Council of the USSR twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Council of the USSR at its discretion or on the demand of one of the Union republics.

Article 47. In case of disagreement between the Council of the Union and the Council of Nationalities the question is referred for settlement to a conciliation commission established on the basis of equal representation. If the conciliation commission does not come to an agreement upon a decision, or if its decision does not satisfy one of the chambers, the question is considered for a second time in the chambers. In the event of the two chambers not agreeing upon a decision, the Presidium of the Supreme Council of the USSR dissolves the Supreme Council of the USSR and fixes new elections.

Article 48. The Supreme Council of the USSR elects, at a joint session of both chambers, the Presidium of the Supreme Council of the USSR, composed of the Chairman of the Presidium of the Supreme Council of the USSR, eleven Vice-Chairmen, the Secretary of the Presidium and 24 members of the Presidium.

The Presidium of the Supreme Council of the USSR is accountable to the Supreme Council of the USSR in all its activities.

Article 49. The Presidium of the Supreme Council of the USSR:

(a) Convenes sessions of the Supreme Council of the USSR;
 (b) Interprets laws in force of the USSR, issues instructions;
 (c) Dissolves the Supreme Council of the USSR on the basis of Article 47 of the Constitution of the USSR and fixes new elections;

(d) Conducts a referendum on its own initiative or on the demand of one of the Union republics;

(e) Rescinds decisions and orders of the Council of People's Commissars of the USSR and the Councils of People's Commissars of the Union republics in the event that they are not in accordance with the law;

(f) Between sessions of the Supreme Council of the USSR, relieves of their duties and appoints the various People's Commissars of the USSR at the instance of the Chairman of the Council of People's Commissars of the USSR, to be later submitted for confirmation to the Supreme Council of the USSR;

(g) Awards decorations and assigns titles of honor of the USSR;

(h) Exercises the right of pardon;

(i) Appoints and replaces the supreme command of the armed forces of the USSR;

(j) Between sessions of the Supreme Council of the USSR declares a state of war in the event of an armed attack on the USSR, or in the event of the need to carry out international treaty obligations of mutual defense against aggression;

(k) Declares general or partial mobilization;

(l) Ratifies international treaties;

(m) Appoints and recalls plenipotentiary representatives of the USSR to foreign states;

(n) Accepts the documents of appointment and recall of diplomatic representatives of foreign states accredited to it.

Article 50. The Council of the Union and the Council of Nationalities elect Credential Commissions which verify the authorization of the deputies of each chamber.

On representation from the Credential Commission the chambers decide either to recognize the authorization or annul the elections of the individual deputies.

Article 51. The Supreme Council of the USSR appoints, when it deems necessary, investigating and auditing commissions on any question.

All institutions and officials are obliged to comply with the demands of these commissions and to supply them with the necessary materials and documents.

Article 52. A deputy of the Supreme Council of the USSR cannot be prosecuted or arrested without the consent of the Supreme Council of the USSR and, in the period when the Supreme Council of the USSR is not in session, without the consent of the Presidium of the Supreme Council of the USSR.

Article 53. After the authority of the Supreme Council of the USSR has expired or after the Supreme Council has been dissolved before the expiration of its term, the Presidium of the Supreme Council of the USSR preserves its authority until the formation by the newly-elected Supreme Council of the USSR, of a new Presidium of the Supreme Council of the USSR.

Article 54. When the authority of the Supreme Council of the USSR expires or in the event of its dissolution before the expiration of its term, the Presidium of the Supreme Council of the USSR fixes new elections within a period of not more than two months from the date of the expiration of its authority or the dissolution of the Supreme Council of the USSR.

Article 55. The newly-elected Supreme Council of the USSR is convened by the former Presidium of the Supreme Council of the USSR not later than a month after the elections.

Article 56. The Supreme Council of the USSR at a joint session of both chambers forms the government of the USSR—the Council of People's Commissars of the USSR.

CHAPTER IV

SUPREME ORGANS OF STATE POWER OF THE UNION REPUBLICS

Article 57. The supreme organ of state power of a Union republic is the Supreme Council of the Union republic.

Article 58. The Supreme Council of the Union republic is elected by citizens of the republic for a period of four years.

The ratio of representation is determined by the constitutions of the Union republics.

Article 59. The Supreme Council of the Union republic is the sole legislative organ of the republic.

Article 60. The Supreme Council of the Union republic:

(a) Adopts the Constitution of the republic and amends it in accordance with Article 16 of the Constitution of the USSR;

(b) Ratifies the constitutions of the autonomous republics belonging to it and defines the boundaries of their territories;

(c) Approves the national economic plan and budget of the republic;

(d) Exercises the right of amnesty and pardon to citizens sentenced by judicial organs of the Union republic.

Article 61. The Supreme Council of the Union republic elects a Presidium of the Supreme Council of the Union republic composed of: the chairman of the Presidium of the Supreme Council of the Union republic, his deputies, the secretary of the Presidium, and members of the Presidium of the Supreme Council of the Union republic.

The powers of the Presidium of the Supreme Council of a Union republic are determined by the Constitution of the Union republic.

Article 62. The Supreme Council of the Union republic elects the chairman and his deputies to conduct its meetings.

Article 63. The Supreme Council of the Union republic organizes the government of the Union republic—the Council of People's Commissars of the Union republic.

CHAPTER V

ORGANS OF STATE ADMINISTRATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 64. The supreme executive and administrative organ of state power in the USSR is the Council of People's Commissars of the USSR.

Article 65. The Council of People's Commissars of the USSR is responsible to the Supreme Council of the USSR and accountable to it, and between sessions of the Supreme Council—to the Presidium of the Supreme Council of the USSR, to which it is accountable.

Article 66. The Council of People's Commissars of the USSR issues decisions and orders on the basis of and in fulfillment of laws in force and controls their execution.

Article 67. Decisions and orders of the Council of People's Commissars of the USSR have obligatory force and must be carried out throughout the entire territory of the USSR.

Article 68. The Council of People's Commissars of the USSR:

(a) Unites and directs the work of All-Union and Union-republic people's commissariats of the USSR and of other economic and cultural institutions under its jurisdiction;

(b) Takes measures to realize the national economic plan and state budget and to strengthen the credit-monetary system;

(c) Takes measures to ensure public order, to defend the interests of the state and to safeguard the rights of citizens;

(d) Exercises general direction in the realm of relations with foreign states;

(e) Determines the annual contingent of citizens to be called for active military service and directs the general upbuilding of the armed forces of the country;

(f) Appoints in case of need special committees and Main Boards under the Council of People's Commissars, on matters of economic, cultural and defense construction.

Article 69. The Council of People's Commissars of the USSR has the right in respect to those branches of administration and economy which fall within the jurisdiction of the USSR, to suspend decisions and orders of the Councils of People's Commissars of the Union republics and to annul orders and instructions of the People's Commissars of the USSR.

Article 70. The Council of People's Commissars of the USSR is formed by the Supreme Council of the USSR and is composed as follows:

The Chairman of the Council of People's Commissars of the USSR;

The Vice-Chairmen of the Council of People's Commissars of the USSR;

The Chairman of the State Planning Commission of the USSR;

The Chairman of the Commission of Soviet Control;

The People's Commissars of the USSR;

The Chairman of the Committee for Purchasing Agricultural Products;

The Chairman of the Art Committee;

The Chairman of the Committee on Higher Education.

Article 71. The Government of the USSR or a People's Commissar of the USSR to whom any question of a deputy of the Supreme Council is addressed, is obliged to give an oral or written reply in the respective chamber within a period of not more than three days.

Article 72. People's Commissars of the USSR direct the branches of state administration which come within the jurisdiction of the USSR.

Article 73. The People's Commissars of the USSR issue within the limits of jurisdiction of the respective People's Commissariats, orders and instructions on the basis of and in fulfillment of laws in force, as well as of decisions and orders of the Council of People's Commissars of the USSR and verify their fulfillment.

Article 74. The People's Commissariats of the USSR are either All-Union or Union-republic.

Article 75. The All-Union People's Commissariats direct the branch of state administration intrusted to them on the entire territory of the USSR, either directly or through organs appointed by them.

Article 76. Union-republic People's Commissariats direct the branch of state administration intrusted to them, as a rule, through identically named People's Commissariats of the Union republics, and administer directly only a specific, limited number of enterprises as listed and sanctioned by the Presidium of the Supreme Council of the USSR.

Article 77. The following People's Commissariats comprise the All-Union People's Commissariats:

Defense; Foreign Affairs; Foreign Trade; Railways; Com-

munications; Water Transport; Heavy Industry; Defense Industry.

Article 78. The following People's Commissariats comprise the Union-republic People's Commissariats:

Food Industry; Light Industry; Timber Industry; Agriculture; State Grain and Livestock Farms; Finance; Home Trade; Home Affairs; Justice; Health.

CHAPTER VI

ORGANS OF STATE ADMINISTRATION OF THE UNION REPUBLICS

Article 79. The supreme executive and administrative organ of state power of a Union republic is the Council of People's Commissars of the Union republic.

Article 80. The Council of People's Commissars of a Union republic is responsible to the Supreme Council of the Union republic and is accountable to it, and between sessions of the Supreme Council of a Union republic—to the Presidium of the Supreme Council of the Union republic, to which it is accountable.

Article 81. The Council of People's Commissars of a Union republic issues decisions and orders on the basis and in fulfillment of the laws in force in the USSR and the Union republic, and on the basis of decisions and orders of the Council of People's Commissars of the USSR, and verifies their execution.

Article 82. The Council of People's Commissars of a Union republic has the right to suspend decisions and orders of the Councils of People's Commissars of autonomous republics and to rescind decisions and orders of executive committees of Soviets of toilers' deputies of territories, provinces and autonomous provinces.

Article 83. The Council of People's Commissars of a Union republic is formed by the Supreme Council of the Union republic and is composed of:

The Chairman of the Council of People's Commissars of the Union republic;

The Vice-Chairmen;

The Chairman of the State Planning Commission;

People's Commissars of: Food Industry; Light Industry; Timber Industry; Agriculture; State Grain and Livestock Farms; Finance; Home Trade; Home Affairs; Justice; Health; Education; Local Industry; Communal Economy; Social Welfare; A representative of the Committee for Purchasing Agricultural Products; Chief of the Art Administration; Representatives of the All-Union People's Commissariats.

Article 84. The People's Commissars of a Union republic direct the branches of the state administration which come within the jurisdiction of the Union republic.

Article 85. The People's Commissars of a Union republic issue within the limits of jurisdiction of respective People's Commissariats, orders and instructions on the basis of and in fulfillment of the laws of the USSR and the Union republic, of decisions and orders of the Councils of People's Commissars of the USSR and of the Union republic, and of orders and instructions of the Union-republic People's Commissariats of the USSR.

Article 86. The People's Commissariats of a Union republic are either Union-republic or republic.

Article 87. Union-republic People's Commissariats direct the branch of state administration intrusted to them, being subordinate to the corresponding Union-republic People's Commissariat of the USSR as well as to the Council of People's Commissars of the Union republic.

Article 88. Republic People's Commissariats direct the branch of state administration intrusted to them, being subordinated directly to the Council of People's Commissars of the Union republic.

CHAPTER VII

THE SUPREME ORGANS OF STATE POWER OF THE AUTONOMOUS SOVIET SOCIALIST REPUBLICS

Article 89. The supreme organ of state power of an autonomous republic is the Supreme Council of the Autonomous Soviet Socialist Republics (ASSR).

Article 90. The Supreme Council of an autonomous republic is elected by the citizens of the republic for a period of four years in the ratio of representation established by the Constitution of the autonomous republic.

Article 91. The Supreme Council of an autonomous republic is the sole legislative organ of the ASSR.

Article 92. Each autonomous republic has its own Constitution which takes into account the specific features of the autonomous republic and is drawn up in full conformity with the Constitution of the Union republic.

Article 93. The Supreme Council of an autonomous republic elects the Presidium of the Supreme Council of the autonomous republic and forms a Council of People's Commissars of the autonomous republic, in accordance with its Constitution.

CHAPTER VIII

LOCAL ORGANS OF STATE POWER

Article 94. The organs of state power in territories, provinces, autonomous provinces, regions, districts, cities and villages (including stanitsas, khutors, kishlaks, auls) are Soviets of toilers' deputies.

Article 95. The Soviets of toilers' deputies of territories, provinces, autonomous provinces, regions, districts, cities and villages (including stanitsas, khutors, kishlaks, auls) are elected by the toilers of the respective territory, province, autonomous provinces, region, district, city or village for a period of two years.

Article 96. The ratios of representation in the Soviets of toilers' deputies are determined by the Constitutions of the Union republics.

Article 97. The Soviets of toilers' deputies direct the activities of the organs of administration subordinated to them, ensure the maintenance of state order, observance of the laws and the protection of the rights of the citizens, direct local economic and cultural construction and draw up the local budget.

Article 98. The Soviets of toilers' deputies adopt decisions

and issue orders, within the limits of the powers vested in them by the laws of the USSR and the Union republic.

Article 99. The executive and administrative organs of the Soviets of toilers' deputies of the territories, provinces, autonomous provinces, regions, districts, cities and villages are the executive committees elected by them, composed of the chairman, the vice-chairman, secretary and members.

Article 100. The executive and administrative organ of village Soviets of toilers' deputies in small localities, in accordance with the Constitutions of the Union republics, is the chairman, vice-chairman and secretary elected by them.

Article 101. The executive organs of the Soviets of toilers' deputies are directly accountable both to the Soviets of toilers' deputies which elected them and to the executive organ of the higher Soviet of toilers' deputies.

CHAPTER IX

COURT AND PROSECUTION

Article 102. Justice in the USSR is administered by the Supreme Court of the USSR, the supreme courts of the Union republics, territorial and provincial courts, courts of the autonomous republics and autonomous provinces, district courts, special courts of the USSR which are created by decision of the Supreme Council of the USSR, and People's Courts.

Article 103. In all courts cases are tried with the participation of the people's associate-judges, with the exception of cases specially provided for by law.

Article 104. The Supreme Court of the USSR is the highest judicial organ. It is charged with supervision of the judicial activity of all judicial organs of the USSR and Union republics.

Article 105. The Supreme Court of the USSR and special courts of the USSR are elected by the Supreme Council of the USSR for a period of five years.

Article 106. The supreme courts of Union republics are elected by the Supreme Councils of the Union republics for a period of five years.

Article 107. The supreme courts of autonomous republics are

elected by the Supreme Councils of the autonomous republics for a period of five years.

Article 108. Territorial and provincial courts, courts of the autonomous provinces, and district courts are elected by territorial, provincial or district Soviets of toilers' deputies or by Soviets of toilers' deputies of the autonomous provinces for a period of five years.

Article 109. People's Courts are elected by secret ballot for a period of three years by citizens of the district, on the basis of universal, direct and equal suffrage.

Article 110. Court proceedings are conducted in the language of the Union or autonomous republic or autonomous province, persons not knowing this language being ensured the possibility of fully acquainting themselves with the material of the case through an interpreter as well as having the right to address the court in their native language.

Article 111. In all courts of the USSR cases are heard openly, except when otherwise provided for by law, and the accused person is ensured the right of defense.

Article 112. Judges are independent and subject only to the law.

Article 113. Highest supervision of the exact observance of the laws by all People's Commissariats and institutions under them, as well as by individual persons holding official posts, and also by citizens of the USSR, is vested in the Prosecutor of the USSR.

Article 114. The Prosecutor of the USSR is appointed by the Supreme Council of the USSR for a period of seven years.

Article 115. Prosecutors of republics, territories and provinces, as well as prosecutors of autonomous republics and autonomous provinces, are appointed by the Prosecutor of the USSR for a period of five years.

Article 116. District and urban prosecutors are appointed for a period of five years by the prosecutors of the Union republics with the approval of the Prosecutor of the USSR.

Article 117. The organs of prosecution perform their functions independently of any local organs whatsoever, being responsible only to the Prosecutor of the USSR.

Soviet Government
2/19/36

CHAPTER X

BASIC RIGHTS AND OBLIGATIONS OF CITIZENS

Article 118. Citizens of the USSR have the right to work, that is the right to receive guaranteed work with payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of national economy, the steady growth of the productive forces of Soviet society, the absence of economic crises, and the abolition of unemployment.

Article 119. Citizens of the USSR have the right to rest.

The right to rest is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, establishment of annual vacations with pay for workers and employees, and provision for a wide network of sanatoria, rest-homes and clubs for the accommodation of the toilers.

Article 120. Citizens of the USSR have the right to material security in old age as well as in the event of sickness and loss of capacity to work.

This right is ensured by the wide development of social insurance of workers and employees at the expense of the state, free medical aid, and the provision of a wide network of health resorts for the use of the toilers.

Article 121. Citizens of the USSR have the right to education.

This right is ensured by universal compulsory elementary education, free of charge, including higher education, by the system of state stipends for the overwhelming majority of students in higher schools, instruction in schools in the native language, and organization of free industrial, technical and agroeconomic education for the toilers at the factories, state farms, machine-tractor stations and collective farms.

Article 122. Women in the USSR are accorded equal rights with men in all fields of economic, state, cultural, social and political life.

The possibility of realizing these rights of women is ensured

by affording women equally with men the right to work, payment for work, rest, social insurance and education, state protection of the interests of mother and child, granting pregnancy leave with pay, and the provision for a wide network of maternity homes, nurseries and kindergartens.

Article 123. The equality of the rights of citizens of the USSR, irrespective of their nationality or race, in all fields of economic, state, cultural, social and political life, is an irrevocable law.

Any direct or indirect restriction of these rights, or conversely, the establishment of direct or indirect privileges for citizens on account of the race or nationality to which they belong, as well as any propagation of racial or national exceptionalism or hatred and contempt, is punishable by law.

Article 124. To ensure to citizens freedom of conscience the church in the USSR is separated from the state and the school from the church. Freedom to perform religious rites and freedom of anti-religious propaganda is recognized for all citizens.

Article 125. In accordance with the interests of the toilers and for the purpose of strengthening the socialist system, the citizens of the USSR are guaranteed:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly and meetings;
- (d) Freedom of street processions and demonstrations.

These rights of the citizens are ensured by placing at the disposal of the toilers and their organizations printing presses, supplies of paper, public buildings, streets, means of communication and other material conditions necessary for their realization.

Article 126. In accordance with the interests of the toilers and for the purpose of developing the organizational self-expression and political activity of the masses of the people, citizens of the USSR are ensured the right of combining in public organizations: trade unions, co-operative associations, youth organizations, sport and defense organizations, cultural, technical

and scientific societies, and for the most active and conscientious citizens from the ranks of the working class and other strata of the toilers, of uniting in the All-Union Communist Party (of Bolsheviks), which is the vanguard of the toilers in their struggle for strengthening and developing the socialist system and which represents the leading nucleus of all organizations of the toilers, both public and state.

Article 127. The citizens of the USSR are ensured the inviolability of the person. No one may be subjected to arrest except upon the decision of a court or with the sanction of the prosecutor.

Article 128. The inviolability of the homes of citizens and the secrecy of correspondence are protected by law.

Article 129. The USSR grants the right of asylum to foreign citizens persecuted for defending the interests of the toilers or for their scientific activity or for their struggle for national liberation.

Article 130. Every citizen of the USSR is obliged to observe the Constitution of the Union of Soviet Socialist Republics, to carry out the laws, observe labor discipline, honestly fulfill his social duties, and respect the rules of the socialist community.

Article 131. Every citizen of the USSR is obliged to safeguard and consolidate public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of wealth and might of the fatherland, as the source of the prosperous cultural life of all the toilers. Persons attempting to violate public socialist property are enemies of the people.

Article 132. Universal military service is the law.

Military service in the Workers' and Peasants' Red Army represents the honorable duty of the citizens of the USSR.

Article 133. The defense of the fatherland is the sacred duty of every citizen of the USSR. Treason to the fatherland: violation of oath, desertion to the enemy, impairing the military might of the state, espionage—is punishable with the full severity of the law as the most heinous crime.

CHAPTER XI

ELECTORAL SYSTEM

Article 134. Deputies to all Soviets of toilers' deputies, the Supreme Council of the USSR, Supreme Councils of the Union republics, territorial and provincial Soviets of toilers' deputies, Supreme Councils of autonomous republics, Soviets of toilers' deputies of autonomous provinces, regional, district, city and village Soviets of toilers' deputies (including stanitsas, villages, khutors, kishlaks, auls), are elected by the electors on the basis of universal, equal and direct suffrage by secret ballot.

Article 135. Elections of the deputies are universal: all citizens of the USSR who have reached the age of 18, irrespective of race or nationality, religion, educational qualifications, residential qualifications, social origin, property status and past activity, have the right to participate in elections of deputies and to be elected, with the exception of the mentally deficient and persons deprived of electoral rights by the courts.

Article 136. Elections of deputies are equal: every citizen has one vote; all citizens participate in the elections on equal terms.

Article 137. Women have the right to elect and be elected on equal terms with men.

Article 138. Citizens serving in the ranks of the Red Army have the right to elect and be elected on equal terms with all other citizens.

Article 139. Elections of deputies are direct: elections to all Soviets of toilers' deputies from the village and city Soviets of toilers' deputies up to the Supreme Council of the USSR are effected by the citizens voting directly.

Article 140. Voting at elections of deputies is secret.

Article 141. Candidates are put forward for election according to electoral districts.

The right to put forward candidates is granted to social organizations and societies of the toilers: Communist Party organizations, trade unions, co-operatives, youth organizations and cultural societies.

Article 142. Every deputy is obliged to render account to the electors of his work and the work of the Soviet of toilers' deputies, and may at any time be recalled in the manner established by law on the decision of a majority of the electors.

CHAPTER XII

EMBLEM, FLAG, CAPITAL

Article 143. The state emblem of the USSR consists of a hammer and sickle against a globe depicted in rays of the sun and surrounded by ears of grain with the inscription "Proletarians of all Countries, Unite!" in the languages of the Union republics. Above the emblem is a five-pointed star.

Article 144. The state flag of the USSR is red cloth with the hammer and sickle depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The relation of the width to the length is 1:2.

Article 145. The capital of the USSR is the city of Moscow.

CHAPTER XIII

PROCEDURE FOR AMENDING THE CONSTITUTION

Article 146. Amendment of the Constitution of the USSR is effected only by the decision of the Supreme Council of the USSR when adopted by a majority of not less than two-thirds of the votes in each of its chambers.

IX

THE LIQUIDATION OF CLASSES IN THE USSR

By A. I. STETSKY

(Translated from *Bolshevik*, of June 1st, 1936)

[This particular selection has been made because the author has become one of the leading political theoreticians of Bolshevism. Member of the Central Committee of the Party, he is in charge for the latter of activities on the "cultural front" of the Revolution. This article appeared in a somewhat reduced form in the *Komsomolskaya Pravda*, of June 12th and following, to reach the members of the Communist Union of Youth, of which this daily is the official organ. The *Bolshevik* is the most important political periodical of the Soviets, being a Party organ, with a fortnightly circulation of over half a million. The article is closely related in content and aim to the draft of the new Constitution, which was about to be published when it was written. The longer version of the statement is given despite its repetitious style; the technique here used of hammering at certain basic points was typical of Lenin's speeches and writings, and as Stalin has tended to adopt this style, so also has Stetsky. The style of the original has been closely adhered to in order to illustrate Bolshevik political writing.]

In the course of a conversation with Mr. Roy Howard, president of Scripps-Howard Newspapers, an American newspaper association, comrade Stalin, in characterizing the Soviet régime, said the following:

"Our society consists exclusively of free city and country workers—workmen, peasants, and the intelligentsia. Each of these strata may have its own special interests and express them through the available numerous social organizations. But as soon as there remain no classes, as soon as the boundaries between classes are obliterated, as soon as there remains but a slight, not a radical, difference between the various strata of socialist society, there can no more exist any nourishing soil for the creation of parties fighting each other. Where there do not exist several classes, there cannot exist several parties, because a party is a part of a class."

These words of comrade Stalin reflect the entire grandeur of the victories of the working class of the Soviet Union, and of our Bolshevik Party. The historic—on a world scale—problem of building a classless socialistic society in the USSR, which ranks second only to that of winning proletarian dictatorship, has, in the main, been solved.

In the USSR the capitalist system of economics has been liquidated, private ownership of the means of production has been abolished, and the exploitation of man by man has been destroyed. A socialist economic system and socialist ownership of the means and implements of production are the bases of the social structure of the USSR. The problem arising before the working masses of the Soviet Union and the Bolshevik Party is that of strengthening and developing the socialist régime won through unyielding struggle.

Much yet remains to be done in the struggle for the consolidation of the socialist régime in the USSR and for the creation of logical premises for the future transition to complete communism. Many efforts are still necessary to educate all the people of the socialist society in the spirit of labor discipline, to raise the standards of work and the general culture of the masses, to propagate the Stakhanovist movement, and to cause Stakhanovist records to become an everyday phenomenon in our industry, transport, and agriculture, in order to multiply tenfold national wealth, to enlarge our technique and to make the USSR a land of plenty. We still are forced to eliminate the surviving members of the exploiting classes who still exist, who attempt to do mischief to the work of socialism and who strike at us stealthily.

In connection with these further problems it is necessary to understand correctly the peculiarities of the stage of the liquidation of classes which has been reached, and its singularity, as well as to be aware of that which has not been accomplished, and which must be performed in order to complete the liquidation of classes in the USSR.

A correct understanding of the problem of abolition of classes is extremely important at this time, as incorrect evaluation of the present stage of abolition of classes will inevitably lead to incorrect conclusions and to mistakes of policy and in practical work.

Some comrades manifest a metaphysical approach to the problem of class-abolition in the USSR. Marx, Engels, Lenin, and Stalin have always stressed the fact that living actuality is full of contradictions, and that in nature there is no absolutely clear-cut division between the old and the new. Just as in the old there exist the germs of the new, in the new-born there continue to exist for a long time bits, particles of the old. "At every step life shows us the remains of the old in the new, in nature as well as in society,"¹ says Lenin. The dialectic approach to reality consists in the ability of taking the old and the new in their interrelation such as it occurs in life itself.

At the same time some comrades often, metaphysically, state the problem in the following way only: "Do we have classes or do we not?" Others, just as often, and just as metaphysically, limit themselves to the answer: "Yes" or "No." And so stating and solving this problem metaphysically, in a simplified way, some comrades here draw the conclusion that the process of class-abolition in the USSR has been accomplished entirely and completely, and that already there exist no remains of class distinctions. And from this, naturally, incorrect conclusions are made in a whole series of other essential questions. Because if the process of class-abolition is already accomplished entirely and completely, if no class distinctions exist any more in the Soviet Union, they say that it does not behoove us to speak of workers and peasants, that the working class is the working class no more; and, further, that the entire question of the directing

¹ Lenin, *Collected Works* (Russian edition), Vol. XXI, p. 438.

"vanguard" rôle of the working class must be perforce dismissed. But if it is all over with the vanguard rôle of the working class, some comrades begin to ponder: what is then our Communist Party; what is our state; generally speaking, is this state needed, and can we say that this state, our Soviet state, is for us necessary?

In order to understand correctly the state of class-liquidation in the Soviet Union at the given stage and to comprehend comrade Stalin's words used in the course of his conversation with Mr. Roy Howard, one must first of all be cautioned against stating this problem schematically, in the abstract manner sometimes demanded by some backward Party members who only ask: "Well, tell us: do we have classes or not, yes or no?"

For a correct understanding, the problem of class-liquidation in the USSR must be explained in the historical perspective, in the perspective of that tremendous work performed by the working class together with the working peasantry under the direction of the Party of Lenin and Stalin in the struggle for the building of socialist society.

When speaking of class-liquidation in the Soviet Union, it is further necessary to bear in mind that we have to deal with a country of a population of 170,000,000, a country in which are still present a tremendous variety of economic and cultural conditions not yet outlived, and of national peculiarities; that the country in question was not so long ago dominated by capitalists, while, until the Revolution, the vestiges of serfdom were quite strong; in which but recently prevailed the barbarously backward peasant economy.

In order to understand the gigantic, world-wide historic scope of the work, one also must remember the words of Marx and Engels, the words of the Communist Manifesto: "The history of all preceding society is the history of class struggle."

By having taken decisive steps for the abolition of classes, by having created the socialist organization of society and destroyed forever the exploitation of man by man, we have ended the old history, and have opened the new history of mankind.

This is why our Revolution is called the Great Proletarian Socialist Revolution. It is this Great Proletarian Socialist Revo-

lution, the conquest of proletarian dictatorship, which is the beginning of the abolition of classes in our country.

This historical task of the liquidation of classes and the abolition of exploitation of man by man was incorporated not only in the program of our Bolshevik Party, but was also recorded as the task of the proletarian state as early as in the first Constitution of the Russian Socialist Federated Soviet Republic, adopted by the V Congress of the Soviets of the RSFSR in the middle of 1918. In this law, which determined the aims and tasks of the state, and which was written by Lenin and Stalin, it was clearly stated that the basic problem of the Constitution of the new Soviet state consisted:

"in the establishment of a dictatorship by the urban and rural proletariats and the poorest peasants under the form of a mighty All-Russian Soviet authority, for the purpose of the complete suppression of the bourgeoisie, destruction of exploitation of man by man, and introduction of socialism under which there shall be neither division into classes nor governmental authority."

Thus, from the very beginning our Revolution placed before itself the problem of conscious, systematic, socialist rebuilding of our entire society. This problem, which was being solved by the government of the proletarian dictatorship, and was carried into life by the proletariat in co-operation with the working peasantry, was extremely complicated, and its solution took place under extremely difficult historical conditions.

The proletarian dictatorship began solving this problem under the conditions of collapse at the time when the country was exhausted and despoiled by the imperialistic war. It began solving it in the face of the desperate opposition of the overthrown exploiting classes, at the time when the power of these classes was still great. The Russian bourgeoisie was closely connected with the imperialist capital abroad—it owned all the large industries, the railroads, the entire apparatus of the Government. Another exploiting class—that of the landlords—owned the lion's share of the nation's land. In the villages there existed *kulaks* [rich peasants] who accounted for several million households, and who enmeshed the villages, sucked their life-sap, and exploited the farm-laborers and the poor peasants.

From the very outset of the Great Proletarian Socialist Revolution, the working class of our country, united with the laboring peasantry, began the struggle against these exploiting classes in an effort to solve the problem of the abolition of classes.

It must be borne in mind that under the onerous, difficult conditions accompanying the beginning of the struggle for class-abolition, in an exhausted and backward country, it was possible to win only by the means of a series of transitional measures. The Bolshevik Party and the Soviet Government carried out a number of preliminary, transitional measures before expanding to its full breadth the struggle for the destruction of the bourgeois and the landowning classes. While, for instance, one of the first acts of the Soviet authority was to abolish the land ownership by the landlords and to confiscate privately-owned land of the landlords, so that from the very beginning of the Great Proletarian Revolution the land became national state property, our proletarian state did not begin at once the socialization of industrial enterprises, railroads, etc. Neither before the October Revolution, nor during the first stages of the Revolution did our Party and the Soviet régime undertake the immediate seizure of all enterprises and all means of production. The first problem of the beginning of the October Socialist Revolution was that of establishing workers' control over the privately-owned capitalist industry.

In this connection it is well to recall Lenin's articles written before October, "The threatening catastrophe and how to struggle against it," and "Will the Bolsheviks be able to retain governmental authority?" and others, in which are clearly and precisely formulated the most immediate tasks set by our Party in the course of the proletarian revolution: "Our immediate problem is not the 'introduction' of socialism, but only that of transition to a control of public production and the distribution of products, by the Soviets of Workers' Deputies." (Lenin). This was the way the problem was formulated on the eve of the Great Proletarian Revolution.

Only after succeeding in organizing the working class and putting it in control of production, and also in securing the support of the laboring masses of the peasants, did the Soviet

dictatorship, beginning approximately in the spring of 1918, continue to deliver the further decisive blows to the bourgeoisie, confiscating the basic means of production, nationalizing them, turning them into people's property.

It must be mentioned that this nationalization of private capitalist property, which was started under the conditions of the resistance by the counter-revolutionary bourgeoisie to the decree on workers' control, and later also under the conditions of a civil war fomented by the bourgeoisie in an alliance with the interventionists, had the most resolute and pitiless character.

Speaking of nationalization we must be exact; it must be noted, for instance, that Marx recognized, under certain conditions, nationalization through redemption (by purchase) from the bourgeoisie of certain kinds of enterprises. In one of his letters he says that "perhaps we shall have to ransom ourselves from this gang."

Our nationalization was carried through in the most decisive and pitiless form—that of confiscation, of expropriation from the bourgeoisie of all means of production, without any compensation.

* * * * *

The destruction of the exploiting classes in our country took place under the conditions of a most bitter class struggle.

Lenin many times pointed out that the overthrow of the bourgeoisie, the expropriation of its means of production, its loss of its dominating status, multiplied tenfold its resistance.

The working class and the laboring peasantry of our country have experienced this in practice, on their very shoulders. The bourgeoisie, together with the landlords, adopted the most extreme, the most decisive methods of struggle against the proletarian dictatorship. They organized the civil war against the Soviet state, they summoned to their aid the armies of foreign capital, they closely united with the latter in order to overthrow the dictatorship of the proletariat by means of intervention, by means of armed aggression against the laboring masses of the Soviet land, to re-instate private ownership of land, of banks, of factories, to deprive the working class of the fruits

of their victory and to shackle them again with the yoke of capitalist slavery.

In this fight with the counter-revolutionary bourgeoisie, a fight which went on not only on the outside fronts, but was also accompanied by conspiracies and insurrections against the proletarian dictatorship within the country, our Party, in its turn, had to resort to the most decisive, pitiless revolutionary measures of class struggle. In the shortest time, the Soviet state, relying on the unlimited support of the workers, created the mighty Red Army, to resist the interventionist armies of the landlords and bourgeoisie. Governmental organs, such as the Extraordinary Commission for the Struggle with Sabotage and Counter-revolution (*Cheka*), were created to suppress the resistance of the bourgeoisie and to crush the counter-revolutionary organizations with all possible severity and force.

At the same time our Party was solving another problem—that of taking away from under the bourgeoisie its economic base, of depriving it of the economic means it still possessed and utilized against the proletarian dictatorship. This purpose was accomplished by means of the policy of military communism. This policy enabled the proletarian state to deliver its strongest economic blow against the bourgeoisie: in the course of the period of military communism the nationalization of privately-owned capitalist property—the privately owned industrial enterprises—was carried out systematically and to the end.

The civil war ended with the victory for the working class and the laboring peasants. After the termination of the war, our Party, under the leadership of Lenin, undertook to establish a proper economic interrelationship of the workers with the peasants, in order to set up an economic union with the peasants, and to consolidate, under the conditions of peaceful development and further transition to socialism, the union of the working class with the peasantry under the direction of the workers.

At the end of the civil war, our Party returned to the policy projected by Lenin as early as the fall of 1918, having for its aim the building of socialism by methods corresponding to the degree of victory achieved by the working class.

The Soviet Government concentrated in its hands the basic means of production, the largest enterprises, the means of transportation, the basic positions in commerce and the banking business. All of these leading, commanding, heights of national economy were in the hands of the proletarian dictatorship. The Soviet Government left to the peasants a certain degree of freedom of commercial activities in order to develop peasant economy, as a preliminary measure, on the narrow base of goods-economy on which it existed at that time. The Soviet Government also admitted private capital, within certain limits. Lenin said that we had to utilize state capitalism within definite limits, that this state capitalism would give the proletarian state advantages in its struggle against the petty-bourgeois element. It is not necessary at this point to discuss in detail the characteristics of the new economic policy and its aims and tasks. The definition of this policy given by comrade Stalin is generally known, and completely and entirely exhausts this question.

But the "breathing spell" won at the end of the civil war was a breathing spell of a very conditional character. A further hard and dogged struggle was ahead, demanding as much effort as the war with the intervention—the struggle for economic reconstruction, for the unfolding socialist construction, the struggle on the economic front with the petty-bourgeois multitude, with the forces of internal capitalism.

The small-scale peasant economy predominated in the country, which in addition, was utterly despoiled by the imperialist war and the intervention. Lenin, characterizing the economic structure of Soviet Russia in 1918, and later, repeating this characterization in May, 1921, pointed out that "in a country with small-scale peasant enterprise a petty-bourgeois elemental force predominates and cannot fail to predominate; a majority, a tremendous majority, of the agricultural workers are small-scale goods-producers."¹

Both Lenin and Stalin have many times explained the small-scale peasant economy, and described the nature of the small-scale goods-producer. They pointed out that the small peasant—the middle peasant (*sredniak*)—has two souls: on the one

¹ Lenin, *Collected Works*, Vol. XXVI, p. 322.

hand he is a toiler; on the other, at the same time, he is a small-scale owner and a merchant—along this line he can find a basis for union with the capitalist. Lenin and Stalin said—and this was fully proven in our experience—that small-scale peasant economy is the nourishing medium for the growth of private capital. More than that: Lenin, having in mind the small-scale ownership nature of the peasant, his private-capitalistic tendencies, characterized the peasantry as the last capitalist class. This is right, because capitalism could and did grow out of this class, out of the peasantry, on the basis of commerce and the small-scale goods-economy.

This is why Lenin most emphatically asked our Party: "Who of the two shall win?"; he warned the Party of the impending dogged and hard fight with internal capitalism, growing on the base of the small-scale goods-economy; of the fact that this capitalism had at that time a sturdier economic base than had socialism; and that this truly was to be a struggle for life or death. It is well known with what lively interest this problem was regarded at a great number of our Party and Soviet congresses; with what attentiveness was planned every step, every move of our national economy; and on the other hand, how intently it was necessary to watch every step and every manoeuvre on the part of the private capitalists and the *kulaks*.

This was a hard struggle in which both the Party and the working class had to strain every resource in order to strengthen the socialist sector and to reconquer from private capital position after position everywhere, in commerce, in agriculture, in industry, where it worked openly and also covertly, trying to corrupt our system. Relying upon the might of the proletarian dictatorship, upon the unquestioningly loyal support of the working masses, upon the policy of an enduring alliance with the middle peasant, and acting on the basis of the socialist plan, the socialist state step by step crowded off, circumscribed, and forced out the capitalist elements.

In the meantime, our Party was guided by Lenin's precept to strengthen, in the first place, the base of socialism, which is large-scale industry; to carry out the electrification of the country, without which it would not have been possible to build

socialism. Day after day the Party and the Soviet state accumulated more power and resources, strengthened and widened large-scale socialist industry, strengthened and widened the socialist sector of economic life. It must not be forgotten that ten years ago private capital still represented a fairly large power. Taking commerce as an illustration, it will be remembered that in 1923-1924 private commerce of petty traders of all calibers represented 57.7% of the commerce of the country. Even here the vital levers were already in the hands of the proletarian state, but 57.7% of the entire commercial turnover was in the hands of the petty private capitalists. In 1924-1925 the proportion of private commerce fell to 42.5%. In 1925-26 private commerce accounted for 42.3% of the total. In 1926-1927 it fell still further, to 36.9%. In 1928 it was 22.5%; in 1929—13.5%; in 1930—only 5.6% of the total turnover. Thus step by step capitalist elements were forced out of commerce.

Private industry accounted for 23.7% of gross production of all industry in 1923-1924; 19% in 1924-1925; 14% in 1926-27; 13.1% in 1927-1928; 10.5% in 1929; 5.6% in 1930; 0.5% in 1932; 0.45% in 1933; 0.33% in 1934.

At the present time capitalist elements have been completely forced out of both industry and commerce.

* * * * *

At the time when the process of economic reconstruction was being completed, our Party, under the leadership of comrade Stalin, proclaimed and began to carry out the policy of industrializing the country—the only policy capable of insuring the power and independence of the Soviet state, the policy which can create the base for a socialist reconstruction of our entire economy. When carrying out the industrialization of the country, the Bolshevik Party was following the Lenin-Stalin doctrine of the feasibility of a socialist victory in our country. At this decisive, critical stage our Party was opposed by the counter-revolutionary Zinoviev-Trotsky opposition, which tried to undermine our Party's faith in the feasibility of a socialist

victory in our country, and attempted to drag the Party along a road which would inevitably lead to a restoration of capitalism and to a surrender of all our positions.

Our Party succeeded in smashing the Zinoviev-Trotsky opposition and thus cleared the way for a greater solidarity of Party members and for the mobilization of all the toilers in the great cause of industrialization of our country and in the building of the socialist régime.

The policy of industrialization was carried out in the face of the most determined resistance of our enemies, internal as well as external—foreign capitalists with their accomplices and retainers who entered into conspiracies and operated here in our directing organs, in the State Planning Committee, in the industrial and agricultural People's Commissariats and other institutions, disguised as specialists of all kinds, working to cripple the cause of industrialization and to pave the way for intervention.

Our Party tenaciously carried out its plan, and step by step, at constantly accelerating rates, realized the policy of industrialization. Only a few years passed between 1924-25 and 1929, the latter being the year of the great change and of the transition to universal collectivization; but in the course of these years our industry was so much enlarged, our industrial production grew so fast, that socialized industry effectively assumed the rôle intended for it by our Party. Socialist industry became not only the base of our independence, the foundation of the strength of the Soviet Union, but also the key to the reconstruction of our entire national economy, the key, in the first place, to the reconstruction of our agricultural economics on a socialist basis.

When the full-blooded socialist industry began turning out agricultural machinery, and the peasant first felt the power of this new technology, the turning point arrived for the peasants as well. Not only the poor peasants, but the middle peasants as well, who were prepared by the preceding policy of the Party, became objectively convinced of the advantages of co-operation, of the advantages of large-scale economy, of the advantages of the new technology, and began passing *en masse*

to the road of collective farming, of large-scale communal economy.

In the course of the first Five-Year Plan came the last decisive battle with the *kulaks*, this most numerous of the remaining capitalist classes, of whom Lenin said that "they are the most bestial, the crudest, the wildest exploiters, who have many times in the history of other countries restored the rule of landlords, kings, priests, and capitalists."

This last and decisive battle with the *kulaks* took place against the background of mass collectivization. As soon as the peasant drift to the collective farms was clearly expressed, when wider and wider masses of the peasantry were drawn to collective farming—our Party turned from the policy of restricting and dislodging the *kulaks* to that of liquidating them as a class, on the basis of complete collectivization.

Everybody knows how violent and bitter was the struggle for the collective farms and against the *kulaks*, in the course of which the *kulaks* tried to strike at our Government in all possible ways, sabotaged grain-collection campaigns, fought the state farms (*sovkhoz*), tried to ruin the collective farms (*kolkhoz*), intimidated the peasants, and agitated against the *kolkhoz*. This was the time of most violent class struggle. This struggle found its reflection also within the Party.

In order to realize its great task of socialist reconstruction, our Party was compelled to uproot, smash, and destroy the rightist opportunists who tried to oppose this policy of the Party, who fought against both industrialization and the socialist reconstruction of agriculture, who attempted to drag us backwards to the path which led, just as surely as did that of the Trotskyist opposition, to the restoration of capitalism.

The Party smashed the rightist-opportunist deviation, which was the *kulak's* representation within the ranks of the Communist Party; at this new stage the Party united the working class and the laboring peasantry and fired them with the light of enthusiasm. The great enthusiasm of the first Five-Year Plan will remain forever in the memory of generations, together with the pathos of building, when the workers displayed heroic initiative and the greatest self-sacrifice in the struggle for the

creation of the new socialist industry, in the struggle for the building of the industrial giants of Magnitigorsk, Dnieprostroy, Kuznetsky, of tractor factories, and a great number of other enterprises which have become the foundation of the new socialistic industry.

The able leadership of our Party and the tenacious struggle against the opportunists have insured the carrying into life of the Lenin-Stalin idea of the possibility of a socialist victory in our country. In our country socialism has won out. At the present time our country is a socialist country. A first-rate socialist industry has been created in the USSR, arming all the branches of national economy with advanced technique. On the basis of the *kolkhoz* and *sovkhos*, operating with the help of the most modern and most perfect machinery, large-scale socialist rural economy has been built up. And commerce is carried on by the governmental and co-operative organizations; it is Soviet commerce, without capitalists or speculators.

In 1921 Lenin, in his pamphlet entitled *The Produce Levy*, said that "the expression 'Socialist Soviet Republic' signified the determination of the Soviet authority to carry through the transition to socialism, but did not at all mean acknowledging the current economic structure as socialist." Now we can call our native land a socialist country, not merely describing the goal pursued by our Party together with the working class and the working peasants; the definition "socialist country" now fully corresponds to the reality which we now have in the USSR.

Socialist economy now rules without sharing power in our Soviet state. State socialist undertakings now operate in our industry and in our transportation. In the country, in the agricultural economy, we also have state enterprises—machine-tractor stations and state farms (*sovkhos*). Further, the collective farms (*kolkhoz*) are also socialist enterprises, in which, it must be pointed out, lately there has been taking place not only—or, rather, not so much—the significant growth of *kolkhoz* productivity, but rather the stabilization of the enterprises themselves, more order in them and the growth of the *kolkhoz* discipline.

In order to understand the full magnitude of the change

which has taken place in this field, it must be remembered that only nine years ago, in 1927, the collective farms included only 0.8% of the total number of peasant households, and only 0.7% of the entire cultivated area. The dynamics of agricultural collectivization can be expressed as follows:

PERCENTAGE OF COLLECTIVIZATION

<i>Year</i>	<i>Households</i>	<i>Cultivated Area</i>
1927	0.8	0.7
1928	1.7	1.2
1929	3.9	3.6
1930	23.6	30.9
1931	52.7	63.0
1932	61.5	75.7
1933	64.4	81.0
1934	71.4	84.7
1935 (as of April 1)	81.0	—
1936 (as of April 1)	89.0	—

Thus more than a half of agriculture was already collectivized in 1931. At present, according to the preliminary estimates, 89% of all peasant households are included in the collective farms and only 3% of the entire cultivated area still remains in the hands of individual, private owners.

Both in the city and in the country socialist economy rules without sharing power. We are saying "rules without sharing power" because it would be inaccurate to say that socialist economy was the only kind present in our country, for actually approximately 10% of the population in some way or other are still connected with private economy. These are the small individual peasant households, the handicraftsmen (*kustars*) conducting independent businesses in a number of places, and not affiliated with industrial co-operative enterprises. The percentage of this private economy, and much more so, its relative weight and its rôle, are extremely insignificant. But they still exist, and this fact must be taken into consideration.

Thus it would be more correct to say that socialist economy rules without sharing power in our country. This would completely and fully define the situation. The socialist economy is the basic, ruling power in our country, an all-directing, all-

defining power. And speaking of class-abolition we must, naturally, before everything else take as our point of departure the basic position as stated by comrade Stalin in his interview with Mr. Roy Howard:

"Our Soviet society is a socialist society, because in our country private ownership of factories, land, banks, means of transportation has been abolished and replaced by public ownership. The social organization which we have created may be called a Soviet organization, socialist, not fully completed, but in its roots a socialist organization of society. The basis of this society is public property: state, i.e., people's, and also the co-operative-kolkhoz property."

This is the balance-sheet which can be drawn now, which has been attained by our Party and the proletarian dictatorship as the result of the tenacious, embittered class struggle, as the result of the mobilization of all the forces of the working class, their organizations, for the purpose of building a socialist society in co-operation with the toiling peasants.

* * * * *

This is the point of departure from which we must start our consideration of the problem of classes and of their abolition in our country.

In what sense have we abolished classes? In his article "The Great Beginning"—which should be read and re-read now together with his book on *The State and the Revolution*, as containing an enormous wealth of ideas directly bearing on our current period—Lenin says:

"And what is meant by this 'abolition of classes'? All those who call themselves socialists, recognize this final goal of socialism, but far from all ponder its meaning. By classes are meant large groups of people differing as to their place in a historically defined system of social production, as to their relation (in most cases fixed and formulated by law) to the means of production, as to their rôle in the social organization of labor, and, consequently, as to their methods of receiving, and the size of, the share of common wealth which they have at their disposal. Classes are groups of people of which one can appropriate the work of another, on the strength of the difference of their respective places in a specific setting of social economy."¹

¹ Lenin, *Collected Works*, Vol. XXIV, p. 337.

And so, if we ponder the present situation from the point of view of this definition of classes formulated by Lenin; if we take under consideration that according to Lenin classes are groups of people of which one can appropriate the work of another as a result of their respective places in the specific setting of social production; and if we ask the question, are there at the present time in the Soviet Union such groups of people which can exploit other people on the strength of their situation in the community production—the question will have to be answered in the negative.

Are there any exploiting classes in our country at the present time? It is clear that our social organization at its present stage of development is such that it already does not permit the existence of these exploiting classes, does not permit the existence of such groups of people which do and can appropriate the labor of other people.

We have achieved this as a result of the victories of the Great Socialist Revolution, and lately, as a result of the widest expansion of socialist construction, of expulsion and liquidation of capitalist elements, of liquidation of *kulaks* as a class on the basis of complete collectivization. In our country there are no capitalists, no landlords, no capitalistic traders, and no *kulaks*.

It must, however, be kept in mind that there still remains in our country private ownership of the means of production in small-scale economy, there still persist remains of individualistic establishments, there still exist individual handicraftworkers (*kustars*). Given a lack of vigilance, given some slackness on our part, it would still be possible for a situation to develop where petty capitalists, speculators and traders could reappear. This is why it is imperative that we should in no wise limit ourselves to the mere realization of the fact of our success, but should so direct our laws and our practices that this private economy which still exists and is permitted, should really be a laboring economy, i.e., that it should obtain its income and exist not on the basis of exploitation of other people, not on the basis of speculation, but on the basis of actual personal labor on the part of that small owner.

In our country the exploiting classes have been completely ex-

terminated and the ground has been finally snatched from under their feet. They do not exist here, and the community organization of socialist society does not permit any possibility for their existence or emergence.

Such is the first basis on which comrade Stalin was able to state in his conversation with Mr. Roy Howard that in our country at the present time there are no basically differing classes. Another foundation for the statement is that process of socialist training of the peasants which is now approaching completion.

What is the present condition of peasants in our country, and what are the interrelations between the workers and the peasants in the USSR? Are these classes as different as they were before, when the working class was engaged on the large-scale state socialist enterprises, and the peasants remained small owners and worked in their small individual enterprises? Is the basic class distinction between the class of the small private owner—the peasant—and the working class, active in the enterprises of a consistently socialist type, still present in the same form in which it existed several years ago?

No, such a basic difference does not now exist. At the present time both the workers and the *kolkhoz* peasants work in socialist enterprises, within the framework of a socialist economic organization, within the framework of a socialist economy.

Some differences between the workers and the *kolkhoz* peasants still prevail with regard to their relation to the means of production, and we shall discuss this subject later; but there is no radical class difference between the workers and peasants in our country now. In the main, both the worker and the *kolkhoz* peasant now work with the help of the means of production which are socialist, publicly owned, property; with the help of tools which are public socialist property.

The peasants work in the *kolkhoz* where the basic means of production are community-owned. They work either with the help of means of production belonging to the *kolkhoz*—hence public, socialist property—or else with the help of the means of production (tractors, combines and other machinery) which belong to the socialist state and which the state transmits to the

kolkhoz through machine-tractor stations for use under specific conditions, thus helping the *kolkhoz* to develop, build up and elevate socialist agriculture.

If one is to discuss their participation in the public income, with regard to the forms and methods of their sharing in the public income, here also it can be stated that the working class as well as the *kolkhoz* peasants receive their share of income from the community, socialist funds, receive it from the community, socialist income. Here also prevails a certain, very significant, difference, which we also shall discuss later.

But still the basic fact is that at present a *kolkhoz* peasant receives his income not in the same way as the individual peasant of the past, who carried on his economic activities with the help of personal means of production on the basis of the small-scale individual economy. The *kolkhoz* peasants get their income as a result of work and participation in the income of a large-scale socialist community economy.

This is why we can say that the decisive stage of the abolition of classes in the Soviet Union has been reached; a decisive stage, because the entire population of our country, with the minor exceptions which we have mentioned, the entire population of our country, as comrade Stalin said, consists of free toilers of the city and the country, workers, *kolkhoz* farmers, intellectuals, who work in socialist enterprises and receive their income from the community, socialist fund.

In this sense it is correct to say that at present the decisive steps in the abolition of classes have been made, because private ownership of the means of production has been abolished, and such ownership is the foundation of class divisions, is the foundation of exploitation of man by man and of the class struggle, which is the source of wars. The means of production in our country are, with a few exceptions, public socialist property. This is the basic fact.

Further, it must also be pointed out that in our country at present prevails the socialist principle: "He who does not labor, neither shall he eat." Lenin, as we know, attached tremendous significance to this principle. Lenin also stressed the extreme importance of an actual realization of this principle, and of the

necessity of a most pitiless struggle against all those who shirk adherence to it and violate it. And it is true that at present in our country, with probably a few exceptions (because all kinds of exceptions are possible, especially in such a large country as ours), the entire population receives its income as a result of work in socialist enterprises, and may create for itself the conditions of rich and cultured existence only if it works. For in our country there are no parasites, that group of people which formerly did not work, but existed and luxuriated at the expense of exploiting the workers and peasants. They have been liquidated, and the possibility of their reappearance has been obviated through the socialist organization of society.

In our country is being carried out the principle which distinguishes the first phase of communism; "From each according to his ability, to each according to his labor." It is being carried out not only in the state enterprises, which are enterprises of a consistently socialist type, but also in the *kolkhoz*. Due to the fact that it was possible to organize the work of a *kolkhoz* on the basis of this socialist principle, due to this very fact, the collective farms have grown strong, and their work has been progressing and improving every year.

The socialist principle, "From each according to his ability, to each according to his labor" is at this stage one of the most important principles for the development and strengthening of socialism, for the elevation of the working class, for the strengthening of labor discipline and for the growth of the productivity of labor. This is incontrovertible. And this is why the task of our state consists in carrying out, and controlling the carrying out of this socialist principle in the most consistent and, when necessary, severe manner.

In our state for the first time in history has been actually guaranteed the right to work, of which formerly all kinds of socialistic and liberal babblers used to talk in vain. They attempted to proclaim this principle under the conditions of capitalist production (which is still being attempted unsuccessfully in some places by all kinds of bourgeois utopists and phrase-mongers). This did not—and never could—succeed, because the industrial reserve army, the army of the unemployed,

comprises an indispensable appurtenance of the capitalist régime, and grows with the development of capitalist production. This army of unemployment and poverty grows catastrophically in periods of economic crises, which are inevitable under capitalism.

A socialist organization of economy has been built in the USSR; thanks to this socialist organization of production and the planned economy the very possibility of crises has been obviated, and unemployment has been destroyed forever. By this means we have secured for every citizen in our country the right to obtain guaranteed and remunerated work. We have guaranteed to every citizen of the Soviet land an effective right to work. The differentiation in the peasantry has been abolished forever. The possibility of attaining rich, cultured existence has been provided for all the collectivized peasants.

This is a durable conquest which shall not be taken away from us by anybody. And in this lies one of the greatest achievements of our Soviet land, of our Soviet régime. This is why we are able to say now that the decisive stage in the abolition of classes has been achieved, that the main part of class-abolition has been already accomplished, that the socialist organization of society has been established in its roots.

* * * * *

But we must not see only the sum-total attained as a result of the tremendous, history-making effort; we must also see the remains of class distinctions which still exist in our country. We must keep in mind that the process of class-abolition has not yet been completed, that the process of class-abolition is still continuing.

In his conversation with Mr. Roy Howard, comrade Stalin pointed out that in our socialist society there were no radically differing classes, but that there were different social strata. In our society there are workers, peasants, and intellectuals. Let us consider in greater detail the place of each of these strata.

It is sometimes asked at meetings whether now we can speak of a working class in our country, whether we can call Soviet workers proletarians. The following can be said in answer to

this question. The situation of the working class in our country has, of course, been radically changed. By "proletariat" has always been meant the exploited class of hired workers of the capitalist society, a class deprived of the means of production and forced to sell its labor power. But already Engels, in his *Anti-Dühring*, pointed out, following Marx, that when "the proletariat takes over governmental authority and, first of all, changes the means of production into government property," "it, by this very fact, destroys itself as a proletariat." The proletariat having won governmental power, having expropriated the private property of the capitalists and turned it into public property, having established its dictatorship, is already not a proletariat in the old sense of the word. The working class in the Soviet Union is not a proletariat in the old sense of the word, i.e., it is not any more an oppressed class, exploited by the bourgeoisie.

The proletariat has been changed in our country into the dominating class, the class which directs the business of building socialism, the class which, united with the peasants, is creating the socialist society. In this way the situation of the working class in our country radically differs from its former status here, and from its status in capitalist countries.

The working class in our country stands out among the other groups of population, because the workers are the leading section of the population in the USSR; they are the most widely organized, the most politically conscious, the most cultured part of the toiling population of our country. They have been, and still are, the vanguard of all toilers in the socialist building, in the political life of the USSR.

The peasants in our country have ceased to be the petty owners, small householders, the class which used to be the nourishing base for the capitalist elements. They have ceased to be the class which used to become stratified, which continued to become differentiated, evolving, on one side, the small top layer of rich peasants, exploiters, and, on the other, the substantial layers of poor peasants. At the present time the peasants are workers in socialist enterprises. The victory of the *kolkhoz* system has rendered inviolable the union of the working class with

the peasants. The *kolkhoz* peasants are a sturdy support of the Soviet state.

The Soviet peasantry, united in socialist enterprises, politically and culturally growing, is building, hand in hand with the workers, the new socialist régime, is multiplying, together with the workers, the might, wealth and culture of its country, and the abundant life for all the citizens of the Soviet country.

A circumstance of the most essential importance for the discussion of the class distinctions still persisting, was pointed out by comrade Stalin in the course of his conversation with Mr. Roy Howard, when he referred to the two forms of public socialist property in our country. In the first place he noted the state, i.e., all-people's property; and in the second, the co-operative-*kolkhoz* property. This fact is very essential. We must constantly keep in mind these forms of socialist community property.

The distinction between these two forms of socialist property has not been invented. On the contrary, these forms have arisen historically, having been born as a result of the whole history of our Revolution, of the struggle for socialism by the working class and the peasants. Further, we can say that these two forms of property constitute the foundation of our entire present-day life, of all our building. In making any decision, in undertaking any political step, it is necessary to have in mind not only the resemblance but also the difference between these two forms of socialist property. It is necessary to bear in mind the peculiarities and the differences between the state-owned enterprises of the consistently socialist type, and the co-operative-*kolkhoz* enterprises, which are also socialist.

It is usual to lose sight of these differences. Some comrades lump everything together and obliterate the distinction between these two types of socialist undertakings, forgetting the nature of the *kolkhoz* and the nature of the state-owned factory, forgetting the differences in the conditions of the worker and those of the *kolkhoz* peasant. There are people in whose eyes all distinctions are obliterated, people so "enthused and inspired" as a result of our brilliant victories that everything becomes confused in their minds, and they begin to lose sight of

that which is so important, so essential, which at present is the foundation of our entire régime.

In our country we have, on the one side, state property, which comrade Stalin defines as the all-people's property, and which is the guiding principle in our entire Soviet state, the community property on which rest all our enterprises of the consistently socialist type. These are the state factories, manufacturing establishments, transport services, etc. This is what the working class took away, confiscated from the bourgeoisie in the first period following the seizure of power. This property was made ready for socialization by the very development of capitalism, because by their nature these establishments already were community means of production, which required the utilization of effort of tremendous numbers of workers, but which still remained the private property of capitalists.

The working class confiscated this property and from the very first steps made it all-people's property; later on, in the course of the building of socialism, as a result of its self-sacrificing labors, it multiplied this property to such a degree that it now exceeds by several times its size during the first years of the Revolution.

This latter property, created by the working class, created by the organized proletariat which is the leader of all toiling masses—this property which is now in the hands of the Soviet state—is all-people's property. In it the state is managing the entire property; in it the only master is the socialist State itself, which acts in the interests of all the toilers, in the interest of socialism.

The state is the owner of all the material means of the state enterprises, the owner of their entire operating and other kinds of capital. The state draws the plans and the programs of each enterprise, and this program of operations is subject to undeviating execution by each enterprise, because it is a government assignment, it is an assignment by the master acting in the interest of all the people.

These governmental enterprises, in whole or in part, may not be sold or transferred without the permission of the Government. A definite law is in force in this country which says that no trust, no economic body constituting a governmental organ,

has the right to sell any of its property. The state property of our enterprises may not be sold; it can only be transferred from one enterprise to another, from one governmental organization to another; and then only according to the disposition of the highest organs of governmental management.

This is what is meant by state property. It is quite clear that this property, which embraces the most important links in the national economy of our country, which embraces all the industrial enterprises—mines, factories, manufacturing establishments, banks, commercial enterprises, railroads, air-transport, etc.—this property, as much as the land, which is also an all-people's state property, is the deciding force, the deciding lever in our economy.

The co-operative-*kolkhoz* property differs from this kind of property. It also is a socialist type of property. The collective farms are associations of toilers which operate with their socialized means of production and with the help of the means of production put at their disposal by the Government. They work on the soil, which is all-people's property but is secured to them for their perpetual use. In their work the collective farms are also guided by the general state socialist plan.

In order to comprehend not only the traits in common but also the differences of the state, i.e., the all-people's property and the co-operative-*kolkhoz* property, it is necessary to consider the historical origins of the co-operative-*kolkhoz* property. Without this one is apt to engage in futile subtleties. We have already mentioned the long and hard road by which the working class has been leading the peasants towards collectivization. The co-operative-*kolkhoz* property has emerged as a result of the growth of co-operation among the peasants. The Party has been gradually leading the peasants toward co-operation, toward the formation of producing associations (*artels*), trying to conduct the peasants along the easiest, the most accessible path towards socialism, the one most intelligible for every peasant.

The co-operative-*kolkhoz* property has appeared after the individual toiling peasants—poor peasants and the middle peasants—having pooled in the *kolkhoz* their means of production, proceeded to obtain from the Government new means of produc-

tion in order to act jointly with it, in order to build, jointly, large-scale communal, socialist economy.

Such was the historical aspect of the origin of the co-operative-*kolkhoz* socialist form of property. By no means should one lose sight of this historical road; doing so frequently leads to flippant conclusions and harmful consequences: such was the origin of the "sovkhosization" theory under which some began refashioning the *kolkhoz* into a *sovkhos*; such was also the more round-about, but not the less dangerous method, avowedly in the interest of the *kolkhoz*, under which separate *kolkhoz* units were attached to the *sovkhos*, thereby obstructing the correct development and a real and durable strengthening of the *kolkhoz*; such is also the cause of the crude, thoughtless violations of Stalin's regulations for the agricultural *artels*.

At the same time it must not be forgotten that while the Soviet state, representing the interests of the entire society, is the absolute master of public property, all the means of production in the hands of the *kolkhoz* are the property of the *kolkhoz* peasants. This has been recorded, decreed, and fixed in definitive laws, which in no case must be forgotten. This distinction between the state property and the co-operative-*kolkhoz* property has been duly recorded in the resolutions of the Party and Soviet congresses, and must be constantly borne in mind.

The *kolkhoz* peasants alone dispose of the *kolkhoz* means of production. It is nonetheless true that the Government helps them to a great degree. The state has organized in the country the network of machine-tractor stations; it has placed at their disposal combines, tractors, tractorized plows, etc., in return for a definite payment. In this instance there have been established special contractual relations between the owner of the *kolkhoz*—the *kolkhoz* peasants, and the governmental organization—the machine-tractor station; but with regard to all the other means of production available in the *kolkhoz*, their absolute master is the *kolkhoz* itself.

This is a basic distinction; it results in a different organization of labor, in a different organization of management, in a different way of distribution of income for the *kolkhoz* peasants compared with workers. In the state enterprises the organization

of labor is determined by the governmental organs—of course, in co-operation with all the workers, with the help of their organizations, in the presence of their active participation. How is this handled in the *kolkhoz*? The organization of labor here is determined by the *kolkhoz* peasants themselves, on the basis of the model regulations for agricultural *artels*—regulations which have been accepted and are being accepted voluntarily by all the *kolkhoz* peasants. This is a very essential point.

Then, all the production of a state enterprise constitutes state property. How is this handled in the *kolkhoz*? After the deduction of *kolkhoz* obligations to the state, the entire production of the *kolkhoz* constitutes the property of the *kolkhoz* peasants who are the masters of the enterprise in question.

The worker receives his income in the form of wages paid from the national fund; this fund is determined through a special procedure and each enterprise receives its share of the fund on the basis of economic calculation. The *kolkhoz* peasant receives his income directly out of the income of his *kolkhoz*, on the basis of working days, i.e., in accordance with a socialist principle of distribution, but he receives it out of the income of his *kolkhoz*.

For the information of some comrades who forget the differences between the *kolkhoz* and the state enterprise and who wish to represent that we have completely and fully liquidated all sorts of class distinctions, we must call attention to another important fact which is sometimes forgotten by the economists and the theoreticians. It has to do with the marketing of their products by the *kolkhoz* peasants. After fulfilling its obligations to the state, the *kolkhoz* can sell and dispose of its products. It has the right to take its products to the market and to sell them. And not only the *kolkhoz* as a whole, but also the *kolkhoz* members, after fulfilling their governmental obligations, can and have the right to take to the market the agricultural products which they have received as their share in the *kolkhoz* and to trade in them.

We may not and must not forget this. We must also not forget that the *kolkhoz* peasants, besides the communal prop-

erty at their disposal, also own, within the limits set by the regulations for the agricultural *artels*, plots of land considered as a part of their domiciles; individually own a certain small amount of personal property, own a cow, sheep, poultry, etc. In order to have the correct perspective, in order to build correctly our policy, in order to understand the degree of class-liquidation to which we have attained, we must see the differences between the two forms of socialist property, which we have just pointed out, because these differences have the greatest importance for all our socialist building activities.

We have taken the decisive steps in the matter of abolition of classes. The workers and the peasants in our country have become toilers, working in socialist enterprises and receiving pay on the basis of socialist distribution, but they still have retained remnants of class differences. These remnants of class differences are tied up with different forms of socialist property obtaining in the *kolkhoz* and in the state-owned enterprises. They are also connected with the types of labor organization prevailing in the two places. Finally, they are connected with the varying degrees of consciousness, discipline, and culture of the workers and the collectivized peasants.

Of course, the *artel* will not remain an *artel* forever. Of course the *artel*, as comrade Stalin said at the XVII Party Congress, will grow into the commune. But to those comrades who are still expounding the idea that the boundaries between the classes have even now become all but completely and fully obliterated, we would recommend reading and reading again that passage in comrade Stalin's report to the XVII Party Congress, in which he describes the differences between the agricultural *artel* and the commune. Those comrades who are too impatient, who want to change the *kolkhoz* into the consistently socialist enterprise, rapidly and with the help of all kinds of artificial expedients, must read over and over again these passages from the speech of comrade Stalin at the XVII Party Congress, because just now they have particular significance.

At the XVII Party Congress comrade Stalin said of the communes:

" . . . The commune is needed, and, of course, it represents the highest form of the *kolkhoz* movement, but not the present-day commune, which has grown on the foundation of undeveloped technique and shortage of products, and which of itself is passing to the status of the *artel*, but the commune of the future which will emerge on the basis of more developed technique and an abundance of products. The present-day agricultural commune came on the basis of little-developed technique and the shortage of products. This explains, properly speaking, why it adopted equalizing practices, taking little account of the individual, work-day interests of its members, because of which it is now compelled to pass to the status of an *artel*, in which are rationally combined the personal and social interests of the *kolkhoz* peasants. The commune of the future will grow out of the well-developed and prosperous *artel*. The agricultural commune of the future will appear only when on the fields and the farms of the *artel* there will be an abundance of grain, cattle, poultry and all other products, when the *artels* will have mechanized laundries, modern kitchen-factories, bread-factories, etc., when the collectivized peasant will understand that it is more profitable to obtain the milk and meat from the farm, than to acquire his own cow and small stock, when the *kolkhoz* woman will see that it is more profitable to eat in a communal restaurant, obtain the bread from a mechanized bakery, and have the laundry done by the communal laundry, than to engage herself in all these affairs. The commune of the future will grow on the basis of the more highly developed technique and the more highly developed *artel*, it will develop on the basis of an abundance of products. When will this happen? Of course not soon. But it will come. It would be a crime to accelerate artificially the process of the *artel's* growth into the commune. This would mix up all the cards, and would help the cause of our enemies. The process of the *artel's* growth into the commune of the future must be gradual, as all the collectivized peasants become convinced of the necessity of such a transition."

The difference between the *kolkhoz* form of socialist property and the consistently socialist form of property of our state enterprises will be gradually obliterated in the course of the further growth of the productivity of labor and of technical equipment, but a complete abolition of this difference will apparently be achieved only under full communism.

And so, when we speak of the abolition of classes in our country, we must keep in mind all these factors, the whole complexity and peculiarity of the state of class-liquidation already attained.

It is hardly necessary to give special attention to the question of the intelligentsia, because it is now quite simple. That immense changes have taken place among our Soviet intelligentsia may be seen from such facts as, for instance, the recent Kremlin conference of the wives of technical and engineering workers. This conference was very significant. It testified to the fact that even the old, bourgeois intelligentsia, which once was closely tied up with industrial and banking capital, which for a long time would not acknowledge the Soviet authority, which in a number of cases engaged in obstinate struggle against the dictatorship of the proletariat, against socialism and a section of which was involved in all kinds of sabotaging organizations, has now, in its main mass, come over strongly and definitely to the side of the Soviet authority. To the side of socialism have come not only the engineers and technicians, but also their life-companions, their wives—their comrades in work. This, of course, is a tremendous victory for socialism. This proclaims that the intelligentsia has also become a group with equal rights in our socialist society, that the intellectuals also have become full-fledged citizens of our Soviet state.

We must also bear in mind that when discussing the Soviet intelligentsia we must take into account not only the fact that of late the old technical intelligentsia has turned towards socialism, but also that there is now taking place a tremendous growth of a new, young, Soviet intelligentsia, coming from people of the working class. This may be seen in every factory. Let us take the Stalin Works (former AMO). Of the 968 engineers there, 61 were engineers before the Revolution; the remaining 907 engineers are of Soviet production, engineers who have graduated from the higher technical institutes under the Soviet régime and who, consequently, have never worked as engineers in capitalist establishments.

Let us take the Red Champion Works. Here there are only 81 engineers; 12 of their number were engineers before the Revolution, while 69 are of Soviet formation. Of the 50 engineers in the Trekhgornny Manufacturing Works, only one worked as an engineer before the Revolution and forty-nine are

of Soviet formation. There are also 115 technicians (technicians are very important); of their number 25 worked before the Revolution, while 90 are new.

Thus as a result of the tremendous work done by our Party in educating new cadres, a basic change has taken place in the composition of the Soviet intelligentsia. It is evident that here to a considerable degree we have to do with generations educated during the years of the Soviet régime. The intelligentsia of today consists of people who are standing squarely upon the platform of the Soviet régime, who are working conscientiously, and not out of fear, for the good of the Soviet state, for the good of socialism, who display the highest degree of heroism, and who are being decorated with Soviet orders and with the highest tokens of merit existing in our country.

While the intelligentsia of the old régime served the dominating classes, our Soviet intelligentsia is building socialism together with the workers and the peasants. It now is part of our Soviet society, equal in rights.

Thus in the USSR decisive steps have been taken in the liquidation of classes, but we must keep in mind that very much work is yet to be done before the process of class-abolition is completed. And the meaning of this process of a final abolition of classes has been stated by Lenin in his article "The Great Beginning":

"It is clear that for the complete abolition of classes it is necessary not only to overthrow the exploiters, the landlords and capitalists, not only to abolish their ownership, but also to abolish all private ownership of the means of production, to destroy the distinction between the city and the country as well as the distinction between the people engaged in intellectual work and those engaged in physical work."

This is the meaning, according to Lenin, of a complete abolition of classes. The complete abolition of classes, says Lenin, "is a very long task. In order to accomplish it, it is necessary to make a tremendous step forward in the development of productive powers, it is necessary to overcome the resistance (often passive, which is especially obstinate and especially difficult to overcome), of the numerous remnants of small-scale pro-

duction, to overcome the tremendous power of habit and inertia associated with these remnants."

The problem of class struggle in our country is also solved in the light of these precepts of Lenin. The comrades who approach schematically, metaphysically, the problems of class-abolition in the USSR, just as schematically and metaphysically pose the problem of class struggle in the USSR. They say: the classes within the USSR have been liquidated, consequently there is no more class struggle in the USSR. In a word, these comrades are like the opportunists of whom comrade Stalin said that they evince a "cat's enthusiasm," and come to the conclusion that while awaiting the arrival of the classless society, it is permitted to take a nap, to set at rest one's anxiety, to give up watchfulness.

No, many difficulties are still ahead in the struggle for the consolidation of victorious socialism in our country. A great struggle is yet to take place, a struggle which will be a class struggle, though under different forms.

This brings us to the question of the leading, vanguard rôle of the working class. Yes, fundamental differences, basic distinctions between the working class and the peasantry no longer exist; they have been obliterated. But the working class still represents the most progressive, politically conscious and culturally developed force in our Soviet state. It would be a crime to forget this. One needs only to recall the Stakhanovist movement to realize the full force and magnitude of the leading rôle of the working class in our socialist country. This rôle still has enormous significance. The working class is filling this rôle on a greater scale, to a greater extent and with greater force than ever before, it carries with it all the other strata of toilers in a matter which is of the most decisive importance for us, namely the struggle for the high productivity of labor, in the struggle for the definitive victory of socialism. The working class carries with it the toilers in the matter of creating a new social discipline, without which of course it is impossible to secure a high productivity of labor.

It is therefore natural that our Bolshevik Party is, and will continue to be so far as it is possible to see ahead, the vanguard

of the working class, its militant directing organization, which absorbs and trains not only all that is best in the working class, but also all that is best in the other strata of toilers. It selects and organizes the best people of the working class and of other strata of toilers in order to lead the toilers to the full victory of communism. To forget, underestimate or overlook this point would also be a crime.

We must say of our state as well, that in the course of the ensuing period the Socialist Soviet State must be active and must become still stronger. Many ask about the nature of this state, and inquire whether it is needed in a society in which classes are being abolished. Of course, the character of our state has changed to a certain degree, because at the present time it truly is an all-people's state, and this fact is to be reflected in the new Constitution of the Soviet Union.

Many tremendous changes have occurred in our country. As a result of these changes, and in view of the fact that the exploiting classes have disappeared, there is no need to continue with the limitations which have been instituted with respect to these classes by the earlier constitutions. At this time we can, and shall, adopt universal and equal suffrage by direct voting with the secret ballot.

In view of the fact that the peasants have now become collectivized peasants and the alliance of the working class with the peasants has been further strengthened, has become inviolable, we are able to abolish the privilege which the working class, as compared with the peasants, enjoyed under the constitution in the elections to the Soviets. The electoral rights will be equal and universal in the full sense of the word.

But it would be harmful nonsense to say with regard to the Socialist state that the guiding rôle of the working class has ended. Even under the new constitution the working class will continue its leading rôle. This rôle, however, will be realized through different means: not by formal law which guarantees and secures the privileges of the working class, but on the strength of the great confidence on the part of all the strata of toilers won by the working class. When discussing the rôle of leadership of the working class and the rôle of the dictatorship

of the proletariat, we must bear in mind the tremendously important words of Lenin:

"This is the meaning of the dictatorship of the proletariat, if one is to translate this Latin, scientific, historical-philosophical expression into the simpler language!

"Only a definite class, namely the urban and generally speaking the manufacturing industrial workers are able to direct all the masses of toilers and the exploited in the struggle for the overthrow of the yoke of capital, in the process of the overthrowing, and in the struggle for the retention and the consolidation of victory, in the task of creating the new socialist, social order; in the whole struggle for the complete abolition of classes."¹

It is, of course, understood that the proletarian dictatorship does not remain the same in the different stages of socialist building. By changing society, by rebuilding social relationships, it changes itself. Regarding the forms and the methods of proletarian dictatorship, comrade Stalin says:

"The proletarian dictatorship has its own periods, its own forms, its own variegated methods of work. During the period of civil war, the most obvious characteristic of the dictatorship was its use of violence. But it does not follow that no constructive activity takes place during the civil war. It is impossible to carry on a civil war without constructive activities. During the period of the building of socialism the most obvious things are the peaceful, organizational, cultural work of the dictatorship, revolutionary law and order, etc. But again it does not follow that the violent side of the dictatorship has become atrophied, or will become atrophied in the period of construction. The organs of suppression, the army and other organizations are as necessary now, in time of construction, as they were at the time of the civil war. Without these organs it is impossible to assure to any degree the constructive work of the dictatorship. It must not be forgotten that the Revolution has won, as yet, in only one country."²

In our country there are some remnants, some fragments of class enemies. The dictatorship of the proletariat does—and will—act against them with all its might, with all severity and with all ruthlessness. But this, of course, will not be the same

¹ Lenin, *Collected Works*, Vol. XXIV, p. 336.

² Stalin, *The Problems of Leninism*, 10th. (Russian), p. 113.

as it was several years ago, and during the very beginning of the Revolution, when the main fact of the dictatorship was this very use of violence, was this suppression of the overthrown class of exploiters, suppression of their resistance, domination of the proletariat over the bourgeoisie. The exploiting classes have now been destroyed in our country.

Another task is now emerging and taking first place—the task of education, the task of leadership of all the strata of toilers in a struggle for the complete abolition of all the vestiges of capitalism in economic life and in people's thoughts, in the struggle for the socialist re-education of people and for the final completion of the liquidation of classes and of all class distinctions.

We can say that the proletarian dictatorship still remains in this sense, in the sense of leadership. The proletariat carries with it all the toiling masses, directs all other strata of toilers, and continues to lead within the framework and the limits of the new Soviet Constitution, in this new stage of development, within the framework of the socialist society, when it is still necessary to eradicate all the birthmarks remaining from capitalism.

Class struggle is not being abolished in our country. The socialist re-education of the toiling masses is only another form of class struggle. The struggle for the consolidation and preservation of public property is also class struggle. The struggle for the consolidation of community discipline is also a special form of class struggle.

It is true that now we are acting not only through methods of compulsion, but also through methods of persuasion, but even so it is a class struggle against the forces, habits, and traditions of the old society.

This must be clearly perceived, this must be kept constantly before the eyes in order to be able to understand the peculiarity of the present situation.

Even under socialism we need the state. It is needed to preserve the public, socialist property, which is the foundation of the Soviet régime. We need it for the purpose of preserving, realizing and controlling the carrying out of the socialist prin-

ciple, "from each according to his ability, to each according to his labor." We need the state for the purpose of educating and strengthening the new community socialist discipline, the sense of a duty, an honest attitude toward labor. Without this we cannot create socialism.

When educating the people in the spirit of socialism we act by methods of persuasion, we act by exhibiting *peredoviks* (those going in front), the most conscious representatives of the working class, its statesmen who carry with them the rest of the masses. But here we must also act with the help of the authority of the Soviet state, we must act with the help of the norms of Soviet law, which says: respect public property, respect labor, be conscientious in your fulfillment of your obligations to your state, respect community discipline, because without all this we shall not be able to effect the transition to communism, which requires a further growth of consciousness, discipline, habits of organization and talent. And back of these norms stands the Soviet Socialist State, with its apparatus and all the attributes of a governmental authority.

We need the Soviet state also in order to strengthen the defense of our country, our Red Army, to protect our country from the onslaught of predatory imperialists, to check the undermining activity within the country carried on by the agents of these predatory powers.

Our Party, directing the working class and all the toilers, has succeeded in achieving some decisive victories in the abolition of classes. The basic, radical difference between the workers and the collectivized peasants has been destroyed, but some remains of class distinctions continue to exist and the process of destroying classes is still continuing. From our Party members is demanded a new increase of consciousness, of discipline, of organization, and a wide development of educational work, so that we can proceed under the direction of our great Stalin to the final abolition of classes and of class distinctions, to the building of the fully communist society.

X

CHANGES AND ADDITIONS IN THE CODES OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

Report by the People's Commissar of Justice, N. V. Krylenko, to the 2nd Session of the All-Russian Central Executive Committee of the XVI Congress.

[This Report has been selected to illustrate Soviet methods of legislative procedure, and also the conception and content of Soviet law. The recording in the stenographic report of the applause or laughter of the legislative body has been included in the translation. On the other hand, the use of bold-face type for emphasis has been omitted. Translated from *Izvestia*, February 12, 1936.]

Comrades: My problem consists in reporting to the Session such changes and additions in the codes in force in the RSFSR, as have been adopted during the period since the last Session of the All-Russian Central Executive Committee of the former (XV) Congress. All these changes and amendments have been incorporated in the project for the resolution of the Session which has already been distributed to all comrades. I shall mention only the most important changes and amendments, those having great political importance, or those initiating substantial changes in such branches of legislation as have been codified in our codes.

Our law, and, much more so, our codes are, in the hands of the dictatorship of the working class, in the hands of the Government and the Party, a mighty means of socialist construction. A characteristic difference between any of our laws, and also our

entire legal system taken as a whole, and the legal systems of bourgeois countries, consists of the fact that we have never hidden the class content of our legal system. Plainly and clearly, openly and simply, before the face of our enemies and directly to the millions of toilers, we have declared that our laws, subservient to the interests of the toiling classes of our country, always have a class character. In this connection Lenin said:

"We and our enemies have a basic difference in our understanding of the nature of order and of the nature of law. Until the present it was considered that law and order was that which was useful for officials and landlords, but we assert that law and order is that which is useful to the majority of peasants!" (Lenin, *Collected Works*, Vol. XX, p. 407.)¹

The history of our laws, the history of their application has nevertheless passed through various stages of development. During the first period after the overthrow of the bulwarks of Tsarist autocracy and the capitalist régime, our law did not play the same rôle it does now. There was a time when Lenin directly pointed out that what the masses of people and the local authorities did in their revolutionary impulses and creative outbursts during this storm and pressure of the revolutionary masses, was law. Thus, he telegraphed as follows to the Moscow Provincial Soviet: "All power belongs to the Soviets. No confirmations are necessary. Your dismissal of one and appointment of another is law." (Lenin, *Collected Works*, Vol. XXI, p. 93.)

But already the VI All-Russian Congress of Soviets, despite the blazing civil war, despite the counter-revolutionary plots within the country, when the class enemies were still waging open war against us, passed the following resolution:

"To enjoin all citizens of the republics, all organs, all officials of the Soviet Government, to observe most strictly the laws of the RSFSR, and the resolutions, regulations, and ordinances issued, and now being issued, by the central authority."

And in 1919 Lenin, in the course of one of the sessions of the All-Russian Central Executive Committee, enjoined the mem-

¹ From an address before the I All-Russian Congress of Peasant Deputies. The references are to the Russian edition of Lenin's writings.

bers to direct all their efforts in the first place, to [promote] the observance of our revolutionary laws locally, even with the use of coercion in certain circumstances. He said:

"Comrades, this word, [which belongs to] the point of view of the old habits, of the old governmental régime, may surprise you: 'They are being coerced' to obey the decree. You might ask whether things are going so badly in the Soviet Republic that it is necessary to force the execution of the will of the All-Russian Central Executive Committee. It is necessary to coerce, comrades, and it is better to say so frankly, rather than to hide one's head under one's wing and to imagine that everything is all right." (Lenin, *Collected Works*, Vol. XXIII, p. 467.)

Since then times have changed. The revolutionary law, as the lever of socialist building, as the mighty lever for the uprooting of old capitalist relationships, for the uprooting of the last remnants of capitalism in the consciousness of the people, has become a universally recognized, mighty, invincible power. From this point of view it is pertinent to see in what direction our legislation has been progressing in the course of the past period, especially that part of it codified in our codes.

Our laws are pointed towards three basic aims. Above all, and before everything else, our law is the tool of our class struggle against our enemies, against the remnants of our enemies, against all those who are struggling against us, who still will not admit that history has condemned them to cede finally their place to us. Such laws still exist, and I shall report to you concerning them. Then there are laws which serve mainly as tools for the socialist reconstruction and reorganization of our economic life, the reorganization of our institutions and their scope of authority, etc. Comrade Novikov has already reported on these. Finally, there are laws whose main purpose is to remake ourselves, to educate in us the new man, [to teach us] new attitudes toward labor and production, new attitudes towards public property, new attitudes in everyday life. I shall report to you on these laws in this order.

The first law, which at present is the key-stone, the leading law teaching us and our enemies the proper relation toward our country and our socialist task, is the law of July 20, 1934, on

treason to the fatherland. This law was adopted on the direct initiative of the greatest leader of toilers, comrade Stalin. This is a rigorous law, a severe law, but a law which we, active workers of a socialist country, can (and must) use against those who betray us. This does not mean that this law was provoked by a great number of betrayals of any sort. It only expresses our deepest feeling of indignation, resentment, and scorn toward traitors, and our common determination to destroy pitilessly all the scoundrels who dare to endanger the defense of our boundaries. (Applause). Here is the law and what it says:

"1¹. Betrayal of the fatherland, i.e. (such) actions of citizens of the USSR which damage the military strength of the USSR, its independence as a state, or the inviolability of its territory—namely, espionage, betrayal of military or state secrets, desertion to the enemy, escape or flight by air across the border—are punished by the highest measure of criminal punishment—shooting and confiscation of all property, and in the presence of mitigating circumstances, by ten-years' deprivation of liberty and confiscation of all property."

"1². The above crimes committed by those in military service are punished by the highest measure of criminal punishment—shooting and confiscation of all property."

"1³. In the case of escape or flight by air abroad by a person in military service, all the members of his family, being of age, who may have in any manner aided the intended or committed treason, or who have known about it but have not reported it to the authorities—are punished by deprivation of liberty for the term of five to ten years and confiscation of all property.

All other members of a traitor's family, being of age, living with him or at his expense at the time of the crime—are liable to deprivation of electoral rights and deportation to the distant regions of Siberia for five years."

"1⁴. The failure on the part of a person in military service to report an intended or committed act of treason—carries with it deprivation of liberty for ten years.

"Such failure on the part of other citizens (not in military service) is prosecuted according to Art. 58¹²." (Applause.)

Thus, side by side with laws having the aim of raising the cultural and material level of the toiling masses, the Party and the Government are carrying out a policy of rigorous struggle against all those who hinder us. The liberals and opportunists of all sorts would draw from this a different sort of conclusion. The stronger, the more secure is the country, the more latitude we could allow our enemies, they would say. No, and once more, no! The stronger, the more secure is the country, the more closely are the Party and the Government connected with all the working population, the more unanimous is our common aspiration to socialist building—the greater is our indignation and resentment against those who hinder our socialist building, the more justified we are in invoking against them rigid measures, the sooner to finish off the dying departing class, by means of the entire might of the proletarian dictatorship.

In addition, this law is exceptionally valuable because of the fact that it introduces in the sphere of our legal system the concept of fatherland, and makes this word a legislative, a juridical term. It is worth our while to remember the way this problem was previously posed by our Party. It was not by a mere chance that comrade Stalin brought forth this term; it was not by chance that the word "fatherland" has become one of our basic political concepts, which we utilize in solving a number of problems.

How was the word "fatherland" interpreted in the past? In the pre-revolutionary era, in the era of the domination of capitalist classes, the bourgeoisie had befouled, vulgarized this word. Lenin wrote:

"How they are speaking, expounding, shouting about nationality and about fatherland! . . . a multitude of official, constitutional-democratic and progressive (including certain populist and 'marxist') scribblers of Russia sing to a thousand tunes the freedom and independence of the 'fatherland,' the greatness of the principle of national independence. (Vol. XVIII, p. 80.) We have before us the very wide and very deep current of ideas whose roots are very securely tied up with the interests of the landlords and the capitalists of Great-Power nations." (Lenin, Vol. XVIII, p. 80.)

This is the reason why one of the basic propositions of the Communist Manifesto is that "workers have no fatherland."

Nonetheless, even under the conditions of the capitalist régime, Lenin wrote:

"Is the feeling of national pride alien to us, conscious Great-Russian proletarians? Of course not! We love our language and our country, we are laboring most of all to elevate its toiling masses (i.e., 9/10 of its population) to a conscious life of democrats and socialists." (Vol. XVIII, p. 81.)

This is what Lenin wrote, raising to an unsurpassable height the feeling of national pride, purifying it of all the vulgarization and perversion wreaked upon it by capitalism. Lenin said:

"We are filled with the feeling of national pride, because the Great-Russian nation also has created a revolutionary class, also has proved that it is capable of giving humanity a great example of struggle for liberty and for socialism, and not only the example of great pogroms, rows of gallows, torture-chambers, great famines and utter servility before priests, tsars, landlords, and capitalists." (Vol. XVIII, p. 81.)

And further:

"And we, Great-Russian workers, filled with the feeling of national pride, desire to have, at any price, a free and independent, self-sustaining, democratic, republican, proud Great-Russia, which is to build its relations with its neighbors on the humane principle of equality, and not on the principle of privilege, suggestive of serfdom and degrading for a great nation. The interests of the national pride of the Great-Russians (if not servilely understood) coincide with the socialist interests of the Great-Russian (and all other) proletarians." (Vol. XVIII, pp. 81-82.)

All that Lenin wrote before the Revolution has now become a fact. We have now our own independent socialist country, in which the relationships between the nationalities are based not on the principle of any privilege, but on the principle of self-determination (of nationalities) and a friendly union of the toiling masses in the struggle for their common task, the task of building socialism. And this is why we love our country so much. We put forward our concept of fatherland, endowing it

with the new Lenin-Stalin content. We are presenting here the concept of "fatherland" with its new content. And this is the reason why we write in our new law, that for the sake of our socialist country, for the sake of our socialist régime, for our socialist fatherland (thunderous applause) we shall give everything, and he who obstructs us, who betrays our fatherland, no matter who he may be, he and his family and all that are with him shall suffer a cruel retribution. This is the sense of the law regarding the betrayal of the fatherland. (Applause.)

When we are told: "How can this be, that the members of a family are also responsible?"—we answer: "Well, and what of it?" This is not the first time in the history of our Revolution that we utilize this form of repression. Here is what Lenin wrote at the end of 1918:

"Personal responsibility of all former capitalists or former owners of enterprises in all committees and centers (imprisonment, former capitalists by shooting, their families by arrest)." (Lenin, *Collected Works*, Vol. XXI, p. 183.)

And with regard to such crimes as betrayal of the fatherland we are carrying out this principle without any constraint, and without taking into account the howling and yelping of our enemies.

At the XVI Party Congress comrade Stalin taught us as follows:

"We are for a gradual dying away of the state. And at the same time, we are for the strengthening of proletarian dictatorship, which is the mightiest and the most powerful of all the [kinds of] state authority that have existed until now. The supreme development of governmental authority for the purpose of preparing the way for the dying away of governmental authority is the Marxian formula. Is this a 'contradiction'? Yes, it is a 'contradiction.' But this contradiction is a live one, and completely reflects Marxian dialectics." (Stalin, *The Problems of Leninism*, 10 ed. (Russian), p. 427.)

"A strong and mighty dictatorship of the proleteriats—this is what we need now in order to scatter to dust the last remains of the dying classes and to smash their thievish machinations." (*Ibid.*, p. 509.)

We are carrying out this principle, and we do not stop short of applying rigid repression when this is provoked by the actions of an opponent.

I shall now proceed to report on another analogous law, which has also been adopted into our legal system. This is the law regarding the order of procedure for trying terrorist acts [committed] against the public leaders of our Soviet country. This law was introduced on the occasion of the dastardly assassination of comrade Kirov. We cannot let the scum, the double-dealing scoundrels and traitors, the class enemy no matter how disguised, direct their poisoned weapons against those, who, according to the words and the personal example of comrade Stalin, are prepared to, and actually do, give their life and blood, drop by drop, to the cause of building socialism. This law has established changes in the procedure to be followed at trials of terrorist acts. It introduces, in a number of respects, a limitation of the procedural right of those being tried. The law sets rigid limits to the time granted for the preliminary investigation, exacting its completion in cases of this nature within a ten-day period. The law provides that the conclusions of the indictment be delivered into the hands of the accused twenty-four hours before the trial. The trials take place without the participation of the prosecution or the defense. The opportunity of appealing from the verdict is denied, as well as that of filing a petition for pardon. A verdict, carrying with it the highest measure of punishment, is carried out immediately after the passing of the sentence.

Lenin taught us:

"Court trials must not supersede the terror. To promise that they would do so would be self-deception or deceit; it [the terror] should be put on a definite basis and legalized as a matter of principle, clearly, without hypocrisy or embellishments." (Lenin, *Collected Works*, Vol. XXVII, p. 296.)

And so without hypocrisy and without embellishments we are saying to our enemies: This is how we will mete out our justice, this is how we will act if you dare once more to direct your weapons against us.

But we are directing the weapon of repression not only against

with the new Lenin-Stalin content. We are presenting here the concept of "fatherland" with its new content. And this is the reason why we write in our new law, that for the sake of our socialist country, for the sake of our socialist régime, for our socialist fatherland (thunderous applause) we shall give everything, and he who obstructs us, who betrays our fatherland, no matter who he may be, he and his family and all that are with him shall suffer a cruel retribution. This is the sense of the law regarding the betrayal of the fatherland. (Applause.)

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And with regard to such crimes as betrayal of the fatherland we are carrying out this principle without any constraint, and without taking into account the howling and yelping of our enemies.

At the XVI Party Congress comrade Stalin taught us as follows:

"We are for a gradual dying away of the state. And at the same time, we are for the strengthening of proletarian dictatorship, which is the mightiest and the most powerful of all the [kinds of] state authority that have existed until now. The supreme development of governmental authority for the purpose of preparing the way for the dying away of governmental authority is the Marxian formula. Is this a 'contradiction'? Yes, it is a 'contradiction.' But this contradiction is a live one, and completely reflects Marxian dialectics." (Stalin, *The Problems of Leninism*, 10 ed. (Russian), p. 427.)

"A strong and mighty dictatorship of the proletariat—this is what we need now in order to scatter to dust the last remains of the dying classes and to smash their thievish machinations." (*Ibid.*, p. 509.)

We are carrying out this principle, and we do not stop short of applying rigid repression when this is provoked by the actions of an opponent.

I shall now proceed to report on another analogous law, which has also been adopted into our legal system. This is the law regarding the order of procedure for trying terrorist acts [committed] against the public leaders of our Soviet country. This law was introduced on the occasion of the dastardly assassination of comrade Kirov. We cannot let the scum, the double-dealing scoundrels and traitors, the class enemy no matter how disguised, direct their poisoned weapons against those, who, according to the words and the personal example of comrade Stalin, are prepared to, and actually do, give their life and blood, drop by drop, to the cause of building socialism. This law has established changes in the procedure to be followed at trials of terrorist acts. It introduces, in a number of respects, a limitation of the procedural right of those being tried. The law sets rigid limits to the time granted for the preliminary investigation, exacting its completion in cases of this nature within a ten-day period. The law provides that the conclusions of the indictment be delivered into the hands of the accused twenty-four hours before the trial. The trials take place without the participation of the prosecution or the defense. The opportunity of appealing from the verdict is denied, as well as that of filing a petition for pardon. A verdict, carrying with it the highest measure of punishment, is carried out immediately after the passing of the sentence.

Lenin taught us:

"Court trials must not supersede the terror. To promise that they would do so would be self-deception or deceit; it [the terror] should be put on a definite basis and legalized as a matter of principle, clearly, without hypocrisy or embellishments." (Lenin, *Collected Works*, Vol. XXVII, p. 296.)

And so without hypocrisy and without embellishments we are saying to our enemies: This is how we will mete out our justice, this is how we will act if you dare once more to direct your weapons against us.

But we are directing the weapon of repression not only against

the class enemies. A number of positive laws direct it also against all other enemies of socialism. This we also do according to the words of Lenin. He said:

"No quarter whatsoever [shall be given] to those enemies of the people, enemies of socialism, enemies of the toilers. A war to the death on the rich and their hangers-on, on the bourgeois intellectuals, a war on the crooks, idlers and hooligans. All of them, the first and the last, are blood-brothers, children of capitalism, spoiled sons of the lordly and the bourgeois society. . . ." (Lenin, *Collected Works*, Vol. XXII, p. 164.)

"The rich and the crooks are the two sides of the same medal, they are the two main classes of parasites nurtured by capitalism, they are the chief enemies of socialism. Any weakening, any vacillation, any softheartedness with regard to them would be the greatest crime against socialism." (Lenin, *Collected Works*, Vol. XXII, p. 164.)

A great many such laws have been adopted by us in the course of the period covered by this report. The struggle for a revolutionary order, the struggle for a definite legal régime, for an atmosphere of law in our socialist fatherland, and the struggle not only against the class enemy but also with the declassed elements, crooks, hooligans, disorganizers of our new way of community life, our new social order, is the content of these laws. Here belongs in the first place the new law regarding hooliganism. The new law enlarges the term imposed by the courts from two years under the old law to five years. Why are we not applying a harsher form of punishment? We consider that some differentiation should be made between hooligans and hooligans. It is impossible to treat them all alike. Five years' deprivation of liberty somewhere in Bamlag, Svirlag or Sevlag [concentration camps] would be a very good sort of schooling for some of the lads. But to the courts should be reserved the opportunity of finding out the real nature of the lads. If they are bandits, they should be tried according to the statute on banditry; if, on the other hand, we have to do with ordinary mischievousness, the present measure of repression will suffice for any cases having to do with purposeless mischief-making.

At the same time was passed a law prohibiting the manufacture, possession, or carrying [on one's person] of Finnish knives or other cold weapons, without a special permit. The Finnish knife is the customary weapon used by the hooligans. This is why we tell the hooligan: "My dear fellow—it may be that you still have not done a thing; yet you carry a 'fin' in your pocket, without a permit. Ah, well—receive five years of deprivation of liberty." This puts fear into them.

Another extremely important law is the law of April 7, 1935, concerning the struggle with juvenile criminality. You know what occasionally happens to youngsters under the legal age, when they are abandoned to their fate by their fathers and mothers and when they fall under the influence of the declassed milieu. Previously under our laws minors under sixteen years of age were not subject to criminal prosecution [by the regular courts]. Life has shown that a great number of the gravest crimes—murders, criminal attack, robbery—are committed by such juveniles. The Party and the Government have approached the problem in the following manner: In the first place, it is necessary immediately to increase the appropriations for the extension of mass undertakings of a cultural and educational character, to deal with juvenile delinquency and the lack of control. I have before me a law enacted by the Union government and dealing with the betterment of children's shelters and labor colonies, with the prevention of juvenile dereliction, with the organization of a campaign against the hooliganism of children on the streets, with the tightening of parental responsibility, with the increase of the production of juvenile literature, juvenile motion-pictures, etc. You also know that adequate sums have been set aside in the budget which you have confirmed, to provide for measures limiting juvenile dereliction and lack of control. This is but one side of the task. We still have, nonetheless, a number of declassed adolescents whose consciousness—to use the usual expression—is burdened with the gravest of crimes. This is why the law provides:

"Juveniles of over 12 years of age apprehended in theft, criminal attack, mayhem, murder, or attempted murder, shall be prosecuted under the criminal law and be subject to all forms of punishment [provided therein]."

Thus reads the law. It is of course the business of our legal organs to arrange for the trial of such cases in special chambers for juvenile delinquents, to arrange for suitable supervision over such cases; it is the duty of our system of justice to assure the correct investigation of the cases of juvenile criminality. But whatever the case, whenever we have to deal with clearly de-classed elements among juveniles, where it would be impossible to do anything by purely pedagogical or medico-pedagogical measures, we are forced to raise the question of the criminal prosecution of such juveniles.

In addition, the law states the following:

"Inciting juveniles or drawing them into participation in various crimes, and also compelling them to engage in speculation, prostitution, begging, etc.—[shall be punished by] deprivation of liberty for the term of not less than five years." Those who incite the juveniles to perpetrate various crimes are punished under this law by terms of not less than five years and up to the maximum provided under our law, i.e., ten years.

But this is not all. A special law refers to the responsibility of parents who abandon their children and take no steps to establish supervision over them:

"... the leaving of children under one's guardianship without supervision and material help carries with it deprivation of liberty up to three years. In the same way the failure to exercise guardianship and educational care over orphaned children on the part of the presidents of Village Soviets and the warders appointed by the Village Soviets, whose action or lack of action results in such children becoming vagrants—is punished, with regards to the warders, by deprivation of liberty up to two years, and with regard to the presidents of Village Soviets, with liabilities provided in Art. 111 of the Criminal Code."

This article punishes the slack, careless attitude toward the exercise of one's duty with regard to children. Article 405 of the Civil Code is changed accordingly. This article formerly provided that persons not fully capable of legal rights are not responsible for damages. The persons exercising supervision over such persons were held responsible in their place. According to the new law we say: For damages done by a person under age

both he and his parents are held responsible. In its practical application this law has already given results. The entire problem here is to point the sharp weapon of repression in the right direction, to uproot disorganization wherever it makes itself felt in our life.

I shall now pass to another law which has also provided much discussion, particularly in the bourgeois press. This is the law of April 1, 1934, concerning sodomy. The law provides that sexual intercourse of a man with another man shall be punished by deprivation of liberty for a term of from three to five years. If the fact was accompanied with violence, or if advantage was taken of the dependent status of the victim, the term is raised to eight years. Up until now our legislation did not provide any punishment for such crimes. Why? On one side, because we see no special danger in such occurrences. On the other, partly under the influence of various legal theoretic constructions of western bourgeois schools, we consider that such actions are invariably pathological phenomena. But this is a mere schema, and not a correct one. In the cases involving actually unwell individuals it is the business of the doctors, whom it is easy to summon to court in each actual case.

But let us analogously consider drunkenness. A drunkard is often unaware of what he is doing, and according to a general principle a person unaware of what he is doing is not held responsible for his actions. But do we hold him responsible for a murder committed while in the state of intoxication? We do, and we shall continue to do so. Our laws say that the state of intoxication does not absolve one from criminal liability. A drunkard must foresee the possible results of an intoxication. And only in the cases involving alcoholism, when one has to deal with a real disease—criminal responsibility is dropped. This is also the way we put the question of sodomy. Let a doctor decide in each concrete case what the defendant is, whether or not he is an unwell person; and if there are no doubts as to the sanity of the defendant, and he nonetheless indulges in such things, we say: "There is no place for you in our midst. In our midst, in the midst of working people whose point of view [insists on] normal relationships of sexes, who are building their

society on healthy principles, we have no need of gentry like you." Who are the majority of our clientele in such affairs? The toilers? No! The declassed bums. (Gay animation and laughter in the audience.) The declassed bums, either from amongst the refuse of our society, or from the remnants of the exploiting classes. (Applause.) They have nowhere else to go. (Laughter.) And so they occupy themselves . . . with pederasty. (Laughter.)

And along with them, at their side, under this cover, in the foul secret dives and dens, another sort of activity takes place—counter-revolutionary activity.

We are also struggling against the production or dissemination of pornographic works, pictures, etc., their possession for the purpose of sale, etc. The new law provides deprivation of liberty for a term of not more than five years and confiscation of such "production," for the production and dissemination of pornographic works.

I shall now pass to the very important law of September 10, 1934, concerning false weights and measures. With the abolition of the rationing system Soviet trade has become the channel through which our Soviet production flows to all our lands, hamlets, villages, collective farms, etc. We must remember the words of comrade Stalin at the XVII Party Congress respecting the rôle of Soviet trade, urging the necessity of elevating workers in commerce to the level of advanced workers in the building of socialism. The capitalist traditions are still strong in that branch. What are these traditions? The first principle: "If you won't lie, you won't sell!" (Laughter.) The second principle, expressing the attitude toward the consumer: "Grab whatever we give you!" (Laughter.) And the third principle: "Steal whatever lies around!" (Laughter, applause.)

The new law is directed precisely against these principles, against this systematic stealing from the people. It says directly: "Giving the purchaser short weight or measure, using incorrect scales, weights, and other incorrect measuring devices, and also violations of the established retail prices for consumers' goods in stores, shops, stalls, restaurants, buffets, etc., sale of lower-grade goods at the price of those of higher grade, con-

cealment from the purchasers of the list of prices of goods—are punished, as representing stealing from the consumer and deceiving the Soviet state, by deprivation of liberty up to ten years.” (Applause.) To my mind this law achieves wholly its purpose, because it enables the court to take cognizance of the peculiarities of each concrete case; we could not give everybody ten years; to some people we could give as little as two.

I shall now pass to a series of laws dealing with another type of problem, that of strengthening labor discipline among the toilers themselves. The following are the laws in question. In the first place Art. 57 of the Labor Code has been changed. Previously this article read:

“An employee failing of his own fault to produce under normal conditions the established quota of production, shall receive wages in proportion to the amount of work performed.”

This meant that you could earn just as much as you turned out. But further on the law said: “. . . but in no case less than two-thirds of his tariff-rating.”

And now we ask: on what grounds? Why should our workers’ state have this peculiar method of remuneration? Our basic principle is: to everybody according to his labor, according to the quantity and quality of the expended labor. And this is why the law says in its new, changed reading:

“Where a worker in a state, public, or co-operative enterprise, institution or establishment fails to fulfill the quota established for him, he shall be paid on the basis of the quality and quantity of his production, there being no guaranty of any sort of minimum wage.”

That is how we put this question: You have received as much as you have earned. (Voices: Correct!) We make an exception only in one case—that of private enterprises. It is true that by this time we have but very few of these left—but in them we still maintain the obligation to pay wages of not less than two-thirds of the tariff-rating.

Another article of the same law introduces the same principle where the piece-work system of remuneration prevails. Previously the law stated that “in cases of underproduction, under the piece-work system, of the list rating, the work is paid for on

the basis of actual production; the pay may not be less than two-thirds of the amount fixed in the list rating." (Art. 73.) The new law says that the work is paid for on the basis of actual production.

And now, this is what our legislation says with regard to directors—the economic managers. A severe law has been issued by the All-Union Central Executive Committee, on December 8, 1933, and the All-Russian Central Executive Committee on February 10, 1934. This law purports to say to the economic manager: You have been placed in your very responsible position by the will of the working masses, by the will of the Party and the Government; you are managing under a commission from the Soviet country. And what do you do? You turn out defective goods. We are still not sufficiently rich to be able to afford such a luxury as the production of defective goods. This is why the law says:

"The issuing of defective or deficient products by industrial enterprises as a result of criminal negligence toward their duty on the part of the managers of trusts, directors of enterprises, and members of the administrative-technical personnel, is punished by deprivation of liberty for the term of not less than five years." Many people have said: What is the matter with you? For pity's sake, are you condemning a class enemy to five years, and a director also to five years? (Laughter.) But the director is one of ours, he is a communist! But the law is firm: even if you are a hundred times an economist and a communist, if you have permitted yourself a criminally negligent attitude, you are held responsible. For the systematic mass issuance of defective products by the industrial enterprises the punishment, as provided, is five-years' deprivation of liberty or one year of disciplinary labor.

A number of laws are specifically concerned with our civilian aviation. Here also the law above all demands strict discipline and conscientiousness. The law states:

"Violation by the workers in civilian aviation and aerial navigation of their professional duties (failure by the airport managers to observe the rules governing permission to leave the ground; leaving the ground without permission from the man-

ager of the airport; failure to observe flying regulations, etc.), if such violation resulted, or was likely to result, in destruction or damage to airships or ground equipment or accidents to persons, carries with it deprivation of liberty for the term of not more than ten years, and, in the presence of especially aggravating circumstances, the highest measure of punishment."

Another law specifically provides for the contingencies when certain fliers occasionally lose slightly their way in the aerial ocean and land where they should not be. (Laughter.) And so we tell them: if you have broken the rules of international flights (entering or leaving the USSR without permission, failing to observe the itinerary specified in the permit, embarkation points, air lanes, prescribed altitude, etc.) as long as this act was not accompanied by treason or other counter-revolutionary crimes, it carries with it deprivation of liberty for the term of not less than one year or a fine of up to 10,000 rubles, with or without confiscation of the airship. If this is not a traitor, or a scoundrel penetrating here for the purpose of spying, we tell him: "Do not err, brother, and do not cheat" [a pun: *plutai-plutui*] (Laughter, applause) or else you'll get not less than one year's deprivation of liberty or a 10,000 ruble fine, and shall give us your plane as a premium. A special law provides for the preservation of order and safety of aerial communication, the observing of the sanitary and fire rules of the civilian air fleet, and postulates: "When such an infringement has resulted, or could have resulted, in grave consequences, but does not constitute a crime involving the official duty of the perpetrator, it carries with it deprivation of liberty for the term of not more than three years or a fine of up to 3,000 rubles."

And finally, one more law which has recently enjoyed such wide popularity—although all who have fallen into its stern hands have already been amnestied by a special act—is the law prohibiting the issuance by institutions, enterprises, and public organizations of any kind of loans, obligations, securities, receipts and other substitutes for currency. Our Government has decisively struck out against this phenomenon, at the initiative of comrade Stalin. Article 128 of this law punishes the issuance of such loans and other kinds of currency substitutes by

institutions and enterprises, by deprivation of liberty not to exceed five years; those who manufacture such substitutes—managers of printing establishments, lithographic establishments, engraving establishments—by deprivation of liberty not to exceed three years; those who accept such currency substitutes for payment in stalls, shops, stores and other retail establishments—managers and cashiers of such establishments—also by deprivation of liberty not to exceed three years. In other words, “All the sisters get ear-rings.” The issue of currency is a monopoly reserved by law to the state. Whoever breaks this law disrupts our monetary system.

I shall pass by a number of military laws, which are important, but not basically so, and it is not worth our time to engage in discussion of such details now.

I am passing on to the laws which have the character of regulating relationships under the civil law. In another report to this Session I stated that law and legal relationships are those forms of social relations which are regulated by the Government and are maintained through its coercive power. These touch upon all sides of life and ways of life, and guarantee every toiler the opportunity to settle his disputes regarding his claims against his neighbors, his fellow collective-farmers, or the state. The duty of the governmental authority is to guarantee this opportunity, and to facilitate, make more accessible for toilers, the ways to defend their rights or what they consider to be their rights.

The laws of which I shall speak pursue this same purpose of making our courts more accessible to the toilers, facilitating the claiming of their rights through our courts. These laws, first of all, introduce appropriate changes in the procedure of the People's Courts. People's Courts are our basic judiciary units, through which pass 90% of all cases. It is important that such a unit should work fast and well, and that it should, in keeping with our Party program, be most accessible to the population. For this purpose we have changed the law in force so as to widen the competence of People's Courts on the one side, and simplify their procedure on the other. You all know that civil suits in our country are settled by the People's Courts or through

arbitration. Arbitration procedure has jurisdiction over the suits between state institutions and enterprises. But arbitration procedure is instituted only in territories and regions (*krai* and *oblast*) and does not extend to the districts (*raion*). The law has introduced changes in this situation, asserting that "in the disputes of collective farms with collective farms, and disputes of collective farms with state or co-operative organizations, arising out of contracts and other proprietary legal relationships, when the sum involved does not exceed 5000 rubles" . . . arbitration suits are not necessary. Such suits are now settled by the People's Courts, i.e., the legal organs nearest the collective farms. In the same manner many other types of cases have been transferred to the jurisdiction of the People's Courts, from that of other institutions.

Let us pass on. As a general rule, a People's Judge in our country tries cases in collaboration with two People's Assessors [Jurors], i.e., in a bench of three. Yet a great many of the more elementary cases can be settled by one man, without summoning the assessors from their collective farms. The law widens the number of such cases. According to the new law a judge is authorized to try, unassisted, cases involving non-payment of rent, which, as a matter of fact, do not constitute disputes and present a clear-cut situation: payment has not been made; suits for remuneration for communal services, which are also clear cases; finally, all cases arising between institutions, enterprises and organizations of the socialized sector of economy, with the exception of suits involving disputes with collective farms and the like.

What is the organization of civil procedure in our country? The state assesses a tax on such trials. The state does not collect imposts on criminal trials, but it does so in the case of civil suits. The law determines, however, different categories of imposts and entire classes of individuals are exempt altogether from the payment of costs. This is covered by Article 43:

"The imposts and costs of trial are not exacted from: plaintiffs who are members of the military forces, officers, privates, and junior commanding ranks of the conscripted army (including the troops of the OGPU); private and junior commanding

ranks of the Workers'-Peasants' Militia, penal-labor institutions, and militarized defense; and also veterans of the Red Partisans, Red Guards, etc."

The courts have the right to exempt from the payment of costs the toilers who are unable to pay the designated impost, etc. All these detailed provisions are introduced in an appropriate law for the purpose of simplification of the civil procedure, and to guarantee the greatest possible accessibility [of the courts] and the greatest possible speed in proceedings. A special article in this law defines the rights of the prosecution, the sides, and the arbitrators admitted to the suit, to examine the original documents, make abstracts and obtain transcripts.

In conclusion I shall mention two other laws which have also been adopted in the period between sessions, but which as yet have not been completely formulated, and are to be formulated in the immediate future. These laws concern the broadest strata of the toiling population, and have already been discussed in our press. For this reason I consider that it is permissible to bring them to your attention. The first law is that concerning alimony; the second law relates to the establishment of a figure of minimum income of toilers exempt from exactions.

The law on alimony follows up malicious non-payers of alimony. According to the projected new law instead of the ridiculous current law—300 rubles fine and correctional labor up to six months—it is proposed, in the first place, to provide for a search of the non-payer at his own expense—because such search is costly; in the second place, to raise the punishment to two years' deprivation of liberty.

Some people object: What is the use—he will not pay anyhow. He shall pay, because he will not want to go to prison. In addition, the project envisages entering in the alimony-payer's passport the amount periodically due. An institution hiring this man will be required to deduct this money from his pay, and if it fails to do so, we shall fine it. The law does everything possible to safeguard the mother who is left with the care of the young child, because the interests of children and of the weaker side must always be protected.

The other law guarantees toilers a minimum income exempt

from assessment in civil suits. The new law establishes this minimum at 75 rubles. The current law speaks of a subsistence minimum. The amount of such minimum is not specified. The current law says that not more than 50% of everything above the subsistence minimum may be assessed. But why 50%? The projected law says: we shall leave you 75 rubles and take all the rest if necessary under court order.

This, comrades, is the way—not only by means of our widely-spread educational work, but also through coercion by the courts—the great task is being performed of uprooting the vestiges of capitalist relationships not only in economic life, but in the consciousness of the toilers as well. We have already achieved a great deal in this respect. In 1920 Lenin in this connection said:

“We have moved from its place a monolith of incredible weight—a monolith of inertia, ignorance, obstinacy in defending free trade, free buying and selling of human labor power just like any other kind of goods. We have begun to weaken and destroy the most deeply rooted prejudices, the firmest habits ingrained by centuries.” (Vol. XXV, p. 256.)

Thus Lenin spoke in 1920. And now, when the economic base which had given birth to these old habits has been destroyed and refashioned, we set before ourselves the problem of finishing off with all the vestiges of capitalist relationships in the consciousness of the toilers.

Such is the difference in the way we formulate the problem in our stage of the historical period which has been completed. Now, under the leadership of our Party, under the leadership of the greatest continuer of Lenin's task, this great leader of toilers, leading us along Lenin's road toward a bright future we can once more repeat together the words of Vladimir Ilich (Lenin):

“We will work to eradicate the accursed rule: ‘Everyone for himself, God alone for everyone,’ to eradicate the habit of considering labor as but a forced service, and [of considering] as equitable only labor remunerated according to a certain norm. We will work to instill in the human conscience the habit and in the everyday life of the masses the rule: ‘all for one, one for all,’ the rule: ‘from each according to his ability, to each

according to his needs,' in order to introduce gradually but undeviatingly communist discipline into communist labor." *Collected Works*, Vol. XXV, p. 256.)

We shall continue working under this motto. And so, to work, comrades! (Prolonged Applause).

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INDEX

- Administration (*see* Executive bodies)
 Administrative systems, II. 84-112
 Advertising and publicity, IV. 22
 Agriculture, I. 24-25, I. 70, I. 81, I. 112-113, II. 33, II. 48, II. 177, III. 80, IV. 10-11, IV. 94-95, IV. 131, IV. 178-179, V. 26-28, V. 58, V. 92, V. 110, V. 138-139, V. 142-165
 Alcoholic beverages, I. 28-32, I. 80
 Alien residents, IV. 9. 10, V. 69, V. 111
 Alimony, V. 184-185
 Amnesty and pardon, I. 45, I. 61, II. 8, II. 31, II. 48, IV. 20, V. 71, V. 92, V. 106, V. 111, V. 115
 Arms manufacture and traffic, II. 32-33, II. 48, II. 147, IV. 86-88
 Army (*see also* Military service, National defense), I. 22, I. 23, I. 45, I. 48, I. 61, I. 64, I. 78, I. 105, II. 8, II. 87-89, IV. 11, IV. 90-93, IV. 134-137, IV. 167, V. 17-19, V. 59, V. 64, V. 91, V. 110, V. 115
 labor service and, IV. 100
 race qualifications, IV. 92
 suffrage and democracy in, V. 18-19, V. 48-49, V. 84, V. 129
 Arrest, I. 69, II. 159, V. 116, V. 127
 Artists' associations, III. 33-38
 Arts, I. 69, I. 80, IV. 12, IV. 22, IV. 128
 Aryans (*see* Race relations and racial theories)
 Assassinations, III. 13, V. 172-173
 Assembly, freedom of, V. 68, V. 126
 Association, freedom and control of, I. 39-40, I. 69, I. 77, I. 82, I. 84, I. 117-119, III. 32-38, III. 45, V. 68, V. 126-127
 Asylum, right of, I. 42, V. 69, V. 127
 Athletics and sports, I. 80, II. 48, III. 21, IV. 11, V. 57
 Autarchy, II. 176, III. 64, III. 81-83, IV. 132-133
 Autonomies, I. 77, V. 65-66, V. 69, V. 77-79
 Aviation, I. 34, I. 83, II. 87, IV. 114, V. 59, V. 70, V. 108, V. 180-181
 Ballots, II. 38-40, IV. 74-75, V. 129
 Banking (*see also* Credit, Money and currency, Public finance), I. 34, I. 109-110, II. 29, II. 33, II. 48, IV. 175, V. 29-30, V. 64, V. 92, V. 108, V. 110
 Belief, freedom of, I. 38, I. 70, I. 71, I. 77, II. 32, II. 159, IV. 12, IV. 129, IV. 142-155, V. 22, V. 126

- Bills of rights, I. 37-42, I. 56-57, I. 68-72, I. 77-78, II. 157-160, III. 44-50, V. 60-62, V. 63-66, V. 68-70, V. 125-127
 Bolsheviks (*see* Communist Party)
 Boycotts, I. 89
 Bridges, I. 33
 Budget (*see also* Public finance), I. 45, I. 61, I. 69, II. 66-73, II. 87, IV. 56-58, V. 71, V. 85-87, V. 92, V. 110
 Bureaucracy, II. 53, II. 84, II. 109-112, III. 72, III. 79, III. 81, V. 16, V. 58
 Burial of the dead, I. 38, I. 39
 Business practices, I. 81

 Cabinets (*see* Executive bodies)
 Capital, concentration of, I. 85
 Capitalism, I. 83, I. 85, I. 90-1. 22, II. 29-30, III. 65-70, III. 74, III. 77-79, V. 7-12, V. 89, V. 108, V. 133-165
 state, IV. 168-169
 Capitalist crisis, III. 69, III. 74
 Capital levy, II. 34
 Capital punishment, I. 41, III. 13n., IV. 11, V. 169, V. 173
 Capitals (*see* Seats of authority)
 Cartoons, political, II. 40-41
 Catholic Conservative Popular Party, I. 4, I. 83-90
 Censorship, I. 69
 Chancellor (*see* Dictator, Prime minister)
 Chancery (*see* Civil service)
 Charity, I. 72
 Chief executive (*see also* Dictator, Prime minister), I. 14-15, I. 47, I. 64, II. 8, II. 9, II. 11, II. 12, II. 14, II. 17-18, III. 7-8, III. 11-13, IV. 18, V. 73-74, V. 118
 Child labor, I. 31, I. 89, III. 99, IV. 11, V. 32
 Children (*see also* Youth), I. 41, I. 80, I. 86, I. 94, III. 18, III. 99, IV. 11, IV. 68, V. 20-21, V. 31, V. 176-177, V. 184-185
 Christianity, I. 83, IV. 12, IV. 142-155
 Christian-social movement, I. 90
 Church, I. 84
 relation to state, I. 38-39, I. 70-72, II. 160, III. 10, IV. 142-155, V. 22, V. 68, V. 126
 Citizenship (*see also* Nationality), I. 35-38, I. 39, I. 41, I. 51, I. 55, I. 67-68, IV. 9, IV. 35, IV. 39-42, IV. 73, IV. 77-79, V. 93, V. 111, V. 127
 racial qualifications, IV. 9, IV. 77-79
 Civic rights, forfeit of, I. 37
 Civil capacity, I. 40
 Civil law, I. 41, I. 50-51, V. 111, V. 183-185
 Civil service, I. 49, II. 48, II. 53-54, II. 84-112, II. 172, III. 41-42, IV. 25-33, IV. 53, IV. 58
 racial qualifications, IV. 26, IV. 27, IV. 30, IV. 32-33
 Classes (*see also* Class relations, Middle classes, Working class), I. 87, V. 130-165
 defined, V. 145
 Class relations, I. 78, I. 83, I. 85, I. 87, I. 88, I. 90, I. 95-97, II. 169, III. 71, IV. 106, IV. 124-126, V. 7-16, V. 84, V. 130-165, V. 166-169

- Clergy, I. 43, IV. 142-155, V. 84
 Coalition (*see* Association)
 Collective bargaining, I. 82, II. 48, II. 82, II. 99-105, III. 32, III. 37-38
 Collective labor contracts, III. 32, III. 37-38, III. 45-49, III. 89-95, III. 96-113
 Colonies, II. 87, III. 83, IV. 9, IV. 171
 Commercial law, I. 64
 Commissars, Commissariats (*see* Executive bodies)
 Communications, I. 33, I. 116-117, II. 87, IV. 108, V. 91
 Communism, I. 83, III. 79, IV. 26, IV. 28, IV. 29, IV. 32, IV. 124-125, IV. 127, IV. 131, IV. 136, V. 7 *et passim*
 Communist Party, U.S.S.R., program and rules, V. 7-52
 Communists, IV. 164, IV. 180
 Communist Union of Youth, program, V. 53-60
 Competition, I. 81, I. 92, III. 65-68
 Conscience, liberty of (*see* Belief, freedom of)
 Conservation of natural resources, I. 25, I. 26, I. 80, I. 117
 Constitutional philosophy, I. 10-11, II. 28
 Constitutions, I. 20, II. 15-18, II. 169-171
 backgrounds, I. 7-9, I. 10-18, II. 7, V. 107
 of political parties (*see* Party platforms, constitutions, and programs)
 revision and amendment, I. 16, I. 45, I. 52-56, I. 72-74, II. 9, II. 14-15, V. 70, V. 92, V. 129
 texts, I. 19-54, I. 55-75, II. 7-15, III. 7-10, III. 11-13, III. 14-16, IV. 14-18, V. 67-87, V. 88-106, V. 107-129
 Consumers, I. 108, V. 28
 Coöperative organizations, I. 102, I. 112, I. 114-115, V. 26, V. 29, V. 108, V. 128
 Copyright, I. 40
 Corporal punishment, I. 41
 Corporations, III. 45, III. 59-64, III. 71-74, III. 81, III. 84-87
 Corporative economy, III. 79-81, III. 84-87
 Corporative state, III. 44, III. 51-58
 Councils of state, II. 127-131, II. 171, IV. 138
 Courts (*see* Tribunals)
 Crafts, I. 32, I. 80, I. 102, III. 85
 Credit, I. 81, I. 109-110, I. 112-113, II. 33, V. 110
 Creditor and debtor law, I. 40
 Crime, I. 108
 Criminal law, I. 41, I. 51, I. 78, V. 111, V. 173-179
 Croix de Feu, II. 160-162
 Cultural organizations, III. 21, III. 23, III. 50, IV. 68, V., 128
 Cultural policies, I. 79
 Culture, IV. 128
 Customs, fiscal, I. 12, I. 25, I. 27, I. 28-29, I. 80, I. 121-122
 Day of rest (*see also* Holidays, Rest, Vacations with pay), I. 70, I. 89, III. 47, III. 94, V. 31
 Death indemnities, III. 48, III. 112
 Debt, imprisonment for, I. 40
 Decorations and honors, V. 115
 Delegation of powers, I. 62, IV. 19

- Democracy, I. 20, I. 55, I. 77, I. 90-91, I. 103-106, II. 48-49, II. 163-168, IV. 11, IV. 13-16, IV. 139, IV. 195-199, V. 50-51
bourgeois, I. 95-96, II. 28
Democratic centralism, V. 39-40
Deportation, I. 42
Dictator, III. 11-13, III. 17, III. 20-22, III. 60-62, IV. 18, IV. 19-20, IV. 21, IV. 98, IV. 195-102
Dictatorship, I. 103, II. 57-58, IV. 135-136, IV. 139-140, V. 9, V. 20, V. 33, V. 67, V. 89, V. 108, V. 134-165
Dismissal indemnities, III. 48, III. 100, III. 101, III. 111, IV. 25
Dopolavoro (see Cultural organizations)
Duce (see Dictator)
Economic analysis, III. 65-71
Economic councils, II. 72-78, III. 87-88
Economic crisis, I. 95, III. 80-81, IV. 135, V. 150
Economic planning, I. 122, II. 74-78, II. 171, II. 175-176, V. 71, V. 91, V. 109
Economic policies (see also Autarchy, Foreign trade, etc.), I. 78, I. 80-86, I. 88, I. 91-122, II. 32-33, II. 88, II. 171, II. 175-177, III. 45-50, III. 51-58, III. 59-62, III. 79-81, III. 84-87, IV. 10-12, IV. 130-133, IV. 137-141, V. 22-33, V. 91, V. 109, V. 111
Economic theory, Nazi, IV. 167-169
Education (see Professional education, Public instruction, Religious education, Vocational education)
Election campaigns, II. 35-37
Elections, I. 43, I. 46, I. 56, I. 57, I. 60-63, I. 65, I. 68, II. 11, II. 34-38, III. 73-76, IV. 72-73, IV. 76, V. 83-85, V. 128-129
Electoral franchise (see Suffrage)
Emigration, I. 32
Eminent domain, I. 24, I. 25, I. 72, V. 64, V. 70, V. 108, V. 111
Employer-employee relations, I. 82, II. 117-119, II. 172, II. 173, II. 176, III. 32-43, III. 45-49, III. 54, III. 60-62, III. 89-95, IV. 103-106
Employment agencies, III. 48-49, III. 54, III. 98-99
Employment and unemployment, I. 82, I. 94, I. 95, I. 99-100, I. 120, II. 28, II. 30, II. 32-33, II. 48, III. 48-49, IV. 131, V. 125
Entail, IV. 95-96, IV. 179
Epizootic disease, I. 81
Equality, I. 20, I. 69, I. 77, II. 157-158, V. 14, V. 69-70, V. 126
Establishment (see Residence)
Exchange (see Trade)
Exchange law, I. 64
Executive, I. 14, I. 45, I. 47, I. 49, I. 64-65, II. 115, II. 128, II. 134, II. 170
Executive bodies (see also Ministerial parliamentary system), I. 45, I. 47-48, I. 63-65, II. 8-9, II. 11-14, II. 17, II. 42-46, II. 50-56, II. 57-58, II. 85-92, III. 7-16, IV. 14, IV. 16-17, V. 74-77, V. 98-100, V. 102-106, V. 118-122, II. 46-50

- Executive committees (*see* Legislative bureaus)
- Exile, I. 36
- Exploitation, V. 63-65
- Extradition, I. 41
- Factory ownership, V. 64, V. 70, V. 108
- Family, I. 77, I. 79, I. 86, I. 94, V. 184-185
- Fascism (*see also* National Socialism), I. 97-98, II. 28, II. 31, II. 41, II. 160-163, II. 165, III. 7 *et passim*
- Fascist Party, constitution, III. 17-31
- Federal systems, I. 13-14, V. 90, V. 109-110, V. 111-112
- Flags, emblems, and standards, IV. 84, V. 87, V. 106, V. 129
- Food reserves, I. 41
- Foreign relations (*see also* International relations), I. 21, I. 46, I. 48, I. 76-77, I. 89-90, I. 97, I. 103, I. 105-106, II. 8, II. 13, II. 66, II. 87, II. 135-156, II. 163-168, II. 174-175, III. 70, III. 84, IV. 15, IV. 17, IV. 22, IV. 85-90, IV. 134-137, IV. 171-173, V. 90-91, V. 118 of subordinate sovereignties, I. 21, I. 48
- Foreign trade, I. 42, I. 81-82, I. 111, I. 120-121, II. 176, IV. 132-133, IV. 175, V. 91, V. 110
- Forests, I. 25, V. 64, V. 70, V. 108, V. 111
- Führer (*see* Dictator)
- Gambling, I. 32-33
- Government (*see* Local government, Municipal government, State)
- Hereditary status, II. 121-122, IV. 94-95
- Historical analyses, I. 91-98, II. 28, II. 48-49, III. 65-70, III. 74, IV. 117-121, IV. 122-124, IV. 160-162, V. 89-90, V. 133-145, V. 152-156
- Holidays (*see also* Day of Rest, Rest, Vacations with pay), III. 94-95, IV. 22
- Home, inviolability, I. 69
- Hotels, I. 117
- Housing and lodging, I. 80, I. 86, I. 89, I. 115-116, II. 176, V. 30-31, V. 108
- Hydroelectric power, I. 26, I. 83
- Immigration, I. 42, I. 79, IV. 10
- Imperialism, III. 83, III. 88, IV. 9, IV. 171, V. 10-12, V. 65, V. 89
- Industrial organizations, III. 59-62
- Industrial planning, I. 110-111
- Industrial techniques, I. 85
- Industry, I. 28, I. 70, I. 77-78, I. 81-82, I. 110-112, III. 80, III. 85-87, IV. 139-141, IV. 175-176, IV. 103-106, V. 57-58, V. 110, V. 139-142
- Initiative, executive, II. 8
legislative, I. 46, II. 11, V. 113
popular, I. 53-54, I. 57, I. 60, I. 72-74
- Innocence, presumption of, II. 159
- Instruction, freedom of, I. 71
- Insurance, I. 32, I. 81, II. 48, III. 49, III. 98, V. 110
accident, I. 32, I. 119, III. 49
compulsory, I. 32, I. 82
invalidity, I. 32, I. 80, I. 82

Insurance—Continued

- maternity, I. 119, III. 49
- old age, I. 32, I. 80, I. 119, II. 33, II. 48, IV. 10, V. 125
- sickness, I. 32, I. 80, I. 119, III. 49, V. 125
- survival, I. 32, I. 80, I. 119
- unemployment, I. 82, I. 119, II. 32, III. 49, V. 32
- Internal relations, I. 20, I. 22, I. 45, I. 48, I. 50-51, I. 61, V. 71, V. 77-79, V. 91-93, V. 101, V. 109-111
- International Labor Organization, I. 90
- International relations (*see also* Foreign relations), I. 46, I. 76-77, II. 13, II. 32, II. 49, II. 40-149, II. 150, II. 163-168, III. 70, III. 81-84, IV. 9, IV. 85-90, IV. 182, V. 17-19, V. 23, V. 65, V. 90-91, V. 109, V. 115
- Interpellations, II. 52-54

Jesuits, I. 39

- Jews, IV. 9, IV. 12, IV. 26, IV. 77-79, IV. 80-83, IV. 92, IV. 95, IV. 159, IV. 161-162, IV. 167-170, IV. 178, IV. 180, IV. 184-191, IV. 191-195, IV. 195-202
- Judicial review, III. 131-134, V. 100-101
- Judiciary (*see also* Tribunals), I. 15, I. 41, I. 66-67, II. 113-135, II. 172-173, III. 14, IV. 24, IV. 28, V. 19-20, V. 92, V. 100-102, V. 111, V. 123-124
- Jury trial, I. 67

Kraft durch Freude (see Cultural organizations)

- Labor** (*see also* Employment agencies, Employment and unemployment, Wages, Working class, Working hours), I. 84, III. 44, III. 74, IV. 9, V. 69, V. 109, V. 125
- Labor courts, III. 32, III. 38-40, III. 45, III. 55, III. 89-95
- Labor Front, IV. 103-106, IV. 194-195
- Labor laws, code of, V. 31-32
- Labor service, IV. 97-99, IV. 100-103, IV. 111, IV. 131, V. 64
- Land, IV. 10-11, V. 70, V. 108-109, V. 111
- Landlords, IV. 95
- Land mysticism, IV. 179
- Land ownership, IV. 95, V. 63-64
- Languages, I. 52, I. 59, I. 67, I. 79, V. 21, V. 69-70, V. 98, V. 124
- Laws (*see also* Initiative, Referendum), I. 46, I. 62, II. 13, II. 61-66, III. 12, III. 14-16, IV. 14-15, V. 113, V. 166-169
- judicial review, II. 131-134, V. 100-101
- Leader (*see* Dictator)
- League of Nations, I. 79, I. 90, II. 32, II. 137-140, II. 141-149, II. 152-155, II. 155-156, II. 166, III. 70, III. 82
- Legal practice, V. 111
- Legal profession, II. 120-127
- Legislative bureaus, V. 68, V. 70-75, V. 79-81, V. 93-98, V. 105, V. 114
- Legislative committees, II. 60-63
- Legislative drafting, II. 127-129, II. 171

- Legislators, I. 46, I. 60
 constituencies, I. 43, II. 10,
 II. 34, II. 35, V. 72, V. 79,
 V. 93-94, V. 114
 how selected, I. 61, V. 72,
 V. 93-94, V. 128-129
 immunities, I. 62, II. 14, V.
 116
 term of office, I. 43, I. 60, V.
 114, V. 116
 Legislatures (*see also* Soviets),
 I. 13-14, I. 42-46, I. 49,
 I. 59-66, I. 73, II. 8-13,
 II. 17-18, II. 34-38, II. 50-
 56, II. 59-83, II. 103, II.
 131-134, II. 170-171, III.
 14-15, III. 73-74, III. 87,
 IV. 16, IV. 135-136, V. 68,
 V. 70-73, V. 80-81, V. 93-
 94, V. 113-116, V. 116-117,
 V. 122-123
 bicameral, disagreement be-
 tween chambers, I. 73, II.
 12, V. 114
 Legitimacy of children, I. 39
 Liberalism, I. 83, II. 158, III.
 73-74, III. 79
 Libraries, I. 79, IV. 22
 Lobbies, II. 78-80
 Local governing bodies, III. 51-
 58, V. 122-123
 Local government, I. 65, II.
 105-109, II. 171-172, III.
 51-58, IV. 19-20, V. 77-
 83, V. 122-123
 Lockouts, laws concerning, II.
 41-43
 Marriage, I. 39, I. 78, I. 86, IV.
 80-83, IV. 190
 Marxism, III. 71, IV. 32, IV.
 106, IV. 122, IV. 124-125,
 IV. 127, IV. 136, IV. 187-
 191, IV. 191-195, IV. 202,
 V. 7 *et passim*
 Marxists, in the Weimar Repub-
 lic, IV. 164
 Materialism, I. 83, IV. 12, IV.
 196
 Maternity protection, II. 11, V.
 31, V. 126
 Merchant marine, II. 87
 Middle classes, I. 85, I. 95-96,
 I. 101-103, I. 114-115, III.
 85, IV. 10, IV. 132, IV. 166,
 IV. 176-177, V. 15-16, V.
 28, V. 146
 Military service, I. 23, I. 76-77,
 I. 82, III. 48, III. 105, IV.
 90-93, V. 18, V. 69, V. 118,
 V. 127
 Militia (*see* Army)
 Mineral deposits, V. 70, V. 92,
 V. 108
 Ministerial parliamentary sys-
 tem, II. 42, II. 46-50, II.
 50-56, II. 85-90, IV. 9
 Ministers (*see* Executive bodies)
 Money and currency, I. 34, I.
 121-122, II. 58, III. 79, IV.
 130, V. 29-30, V. 91, V.
 110, V. 181-182
 Monopolies, private, I. 89, I. 90,
 I. 92, I. 110-111, II. 29,
 III. 67-68, IV. 10
 state, I. 28, I. 33-35, I. 110-
 111, II. 15, V. 110, V. 181-
 182
 Municipal government, I. 67-
 68, IV. 34-65, V. 81-82, V.
 122-123
 Music, IV. 22
 Mutual aid, III. 50, III. 98
 National defense, I. 22, I. 45,
 I. 48, I. 105-106, II. 15,
 II. 87, II. 88, II. 147, III.
 82-84, IV. 85-90, IV. 91-
 93, IV. 133-137, V. 17-19,
 V. 48-49, V. 58-59, V. 110

- Nationalism (*see also* Patriotism), I. 76, I. 89, IV. 9, IV. 12, IV. 80-83, IV. 158, IV. 185-191
- Nationalities (*see also* Race relations and racial theory), V. 16-17, V. 60-61, V. 69-70, V. 89, V. 94-95, V. 113
- Nationality (*see also* Citizenship), I. 36-37, I. 39, I. 51, I. 62, I. 68
- National Socialism (*see also* Fascism), international influence, IV. 200-201
 political theory, IV. 183-202
 racial theories, IV. 157-163
 theory and practice, IV. 164-182
- Naturalization, I. 36, I. 62
- Navies, II. 87, II. 88, V. 59
- Navigation, I. 26, I. 83, V. 70
- Nobility, I. 20, I. 69
- OGPU, V. 104-105
- Old-age pensions (*see* Insurance, old age)
- Pardon (*see* Amnesty and pardon)
- Parliamentary control, II. 54-57
- Party platforms, constitutions, and programs, Catholic Conservative Popular Party, Switzerland, I. 83-90
 Communist Party of the Soviet Union, V. 7-33
 National Fascist Party, Italy, III. 17-31
 National Socialist German Workers' Party, IV. 9-13
 Radical Party, Switzerland, I. 76-83
 Radical Socialist Party, France, II. 19-26
 Socialist Party, France, II. 28-30
 Socialist Party, Switzerland, I. 90-122
- Patriotism (*see also* Nationalism), V. 169-174
- Peace and war, I. 21, I. 45, I. 76-77, I. 93, I. 97-98, I. 105-106, II. 13, II. 29-30, II. 31, II. 49, II. 140-149, II. 163-168, II. 174-175, III. 65, III. 81-84, III. 88, IV. 171, IV. 182, V. 10-12, V. 91, V. 110, V. 115
- Peasant class, I. 88, I. 94, I. 101-103, I. 112-113, IV. 94-96, IV. 179, V. 14-16, V. 26-28, V. 138-139, V. 142-165
- Penal institutions, I. 41
- Pensions, I. 23, II. 33, II. 34, II. 48, IV. 47
- Person, freedom of the, I. 69, V. 127
- Petition, right of, I. 40, I. 69
- Police, I. 22, I. 28, I. 65, II. 108, II. 171, IV. 70-71, V. 101, V. 104-105
- Political analysis, IV. 117-121
- Political methods, II. 78-80
- Political offenses, I. 41, I. 67
- Political parties (*see also* Popular Front), III. 21, III. 23, III. 98, IV. 139-141, V. 39, V. 140-142
 administration and organization, II. 19-40, III. 18-24, III. 29-31, V. 39-52
 armed forces, II. 162, III. 17, IV. 68, IV. 201
 class character, V. 130-131
 constituent organizations, III. 18, IV. 68
 dictator and, IV. 67-69

- Political parties—*Continued*
 discipline and rules, II. 21,
 II. 22, III. 25-28, III. 75,
 IV. 67-69, V. 34-52
 finances, II. 24-25, II. 26,
 III. 29-31, V. 51-52
 laws prohibiting, II. 160-163,
 IV. 66
 membership conditions and
 duties, II. 20, II. 26, V.
 35-39, relation to govern-
 ment, III. 7-10, III. 17,
 III. 20, III. 21, III. 27-29,
 III. 75, IV. 42-47, IV. 63-
 64, V. 129
 uniforms and emblems, III.
 18
 Political rights, forfeit of, I.
 41
 Poor relief (*see also* Insurance),
 I. 36-37, I. 72, I. 80, I. 100,
 IV. 145
 Popular Front, II. 30-33, II. 41
 Postal service (*see* Communica-
 tions)
 Poverty, IV. 180-182
 Power, assumption of, I. 103-
 105
 Preambles, to bills of rights, II.
 157-158, V. 60-61
 to constitutional documents,
 I. 19, I. 55, IV. 16, V. 67-
 70, V. 88-90
 to municipal code, IV. 34
 to party and organization
 documents, I. 83, I. 90-91,
 IV. 9, V. 34-35, V. 53
 Presidium (*see* Legislative bu-
 reaus)
 Press, freedom and control of,
 I. 39, I. 69, I. 77, II. 31,
 II. 159, II. 173-174, IV. 11-
 12, IV. 22, IV. 128, V. 68,
 V. 126
 Prices, I. 24, I. 84, I. 88-89, I.
 113-115
 Prime minister (*see also* Chief
 executive, Dictator), II.
 16-17, II. 171, III. 7-8,
 III. 10, IV. 14, IV. 18, IV.
 95-96, IV. 179
 Privacy of communications, I.
 33
 Private enterprise, II. 85-86
 Production, private control, III.
 45-48
 state control, III. 46, V. 22
 et passim
 Professional associations, I. 86-
 87, III. 32-38, III. 45
 Professional education, I. 80-81,
 IV. 113, V. 21
 Professional workers, V. 159-
 160
 Professions, I. 31
 Proletariat, I. 96-101, V. 7-33,
 V. 67, V. 89, V. 108, V. 134,
 V. 150-151
 Propaganda ministry, IV. 21-23
 Property and property rights,
 I. 72, I. 76, I. 86, I. 88, I.
 90, I. 103, I. 114-115, II.
 160, III. 80, IV. 11*m.*, V.
 22, V. 63-64, V. 70, V. 108-
 109, V. 127
 inheritance of, IV. 94-96, IV.
 179
 Proportional representation, I.
 43, I. 60, II. 34
 Prosecutors, V. 124
 Protective tariff (*see also* Cus-
 toms, fiscal), III. 68
 Public finance (*see also* Budget,
 Taxation), I. 16-17, I. 23,
 I. 26-27, I. 35, I. 48, I. 56,
 I. 79, I. 98, I. 109-110, I.
 121-122, II. 15, II. 29, II.
 31-32, II. 33, II. 48, II. 58,
 II. 66-73, II. 87, II. 88,
 II. 173, III. 14, IV. 50-61,
 IV. 130, V. 30, V. 71, V.
 85-87, V. 91, V. 92, V. 110

- Public health, I. 41, I. 70, I. 80, II. 87, II. 88, IV. 11, V. 33, V. 92, V. 111
- Public instruction (*see also* Professional education, Religious education, Vocational education), I. 26-27, I. 71, I. 77, I. 78, I. 79, II. 48, II. 88, II. 104, II. 173, III. 18-21, IV. 11, IV. 28-30, IV. 107-116, IV. 128, V. 20-21, V. 55-57, V. 69, V. 92, V. 111
- Public office (*see also* Judiciary, Legislators, etc.), I. 21, I. 43-45, I. 47, I. 50, I. 58-60, I. 63-64, I. 66-67, I. 74-75, II. 8, II. 10, II. 13, II. 106, III. 12, III. 27, IV. 9, IV. 25-33, IV. 40-42, IV. 46, IV. 48-49, V. 128
nominations to, V. 129
- Public works, I. 16-17, I. 24, II. 48, II. 88, II. 176
- Race relations and racial theories (*see also* Nationalities), IV. 9, IV. 12, IV. 26, IV. 77-79, IV. 80-83, IV. 92, IV. 94-96, IV. 98, IV. 157-163, IV. 185-191, V. 126
- Radical Party, Switzerland, I. 4
constitution, I. 76-83
- Radical Socialist Party, France, constitution, II. 19-26
- Radio, freedom and control of, II. 31, II. 151, II. 163, II. 174, IV. 22-23, IV. 128
- Railroads, I. 26, I. 116-117, II. 88, V. 70, V. 108
- Real estate (*see also* Land), I. 72, I. 112-113, I. 115-116
- Recall, V. 85, V. 129
- Referendum, IV. 72, V. 115
popular, I. 46, I. 53-54, I. 56, I. 72-73
- Relatives, public office and, I. 58
- Religion, I. 37, I. 70, I. 77, I. 78
freedom of (*see* Belief, freedom of)
- Religious bodies, I. 38-39, I. 70-72
- Religious education, I. 86
- Religious orders, I. 71-72
- Residence, freedom of, I. 37, I. 69-70, I. 77
- Rest, right to (*see also* Day of rest, Holidays, Vacations with pay), V. 125
- Revolution, I. 98-99, I. 103, III. 74, IV. 122-124, IV. 139, IV. 172-173, V. 7-12, V. 15-16, V. 133-165
- Rights, popular (*see* Bills of rights; *see also* Belief, Press, etc.)
- Roads, I. 27, I. 33, I. 82-83, II. 102-103
- Roman Law, IV. 11
- Royalty, III. 9-10, III. 11-16, III. 20
- Rural life, I. 81
- Sabotage, V. 180
- Safety in industry, I. 31
- Sanitary regulations, I. 28, I. 31, I. 80
- Science, I. 78, I. 79, V. 25-26
- Seats of authority, I. 52, II. 9, V. 87, V. 106, V. 129
- Secession, V. 60-61, V. 93, V. 111
- Sickness leave, III. 105
- Slaughtering, I. 26
- Social-Democrats, IV. 164, IV. 180
- Socialism, I. 83, I. 90-122, III. 79, IV. 32, V. 67-70, V. 89, V. 108-109, V. 127, V. 131-165, IV. 191-195
- National (*see* National Socialism)
principle of, V. 149

- Socialist International, I. 106, V. 11-12
- Socialist Party, France, II. 28-30
- Socialist Party, Switzerland, I. 4, I. 90-122
- Social policies, I. 80, I. 88
- Sovereignty and sovereignties, I. 14, I. 20, I. 55, II. 158, V. 93, V. 105-106
- subordinate, I. 14, I. 19-20, I. 55-75, IV. 16, V. 77-79, V. 93, V. 105-106, V. 109-110
- Soviets, V. 7, V. 81-82, V. 122-123
- Speculation, I. 89, I. 112-116, V. 146, V. 178
- Speech, freedom of, I. 69, II. 159, V. 126
- Sports (*see* Athletics and sports)
- State (*see also* Corporative state)
II. 164, III. 66-67, III. 69, III. 72, III. 75, III. 77-81, III. 85-87, IV. 62, V. 108
- philosophy of the, I. 77, I. 87-89, IV. 12, IV. 157-159, IV. 195-202, V. 13-16, V. 132-165
- relation to church, I. 38-39, I. 70-72, II. 60, III. 10, IV. 142-155, V. 22, V. 68, V. 126
- relation to parties, III. 7-10, III. 17, III. 20, III. 21, III. 27-29
- Statistics, III. 70-71, V. 143-144
- Strikes, I. 89, II. 98-102, II. 172, II. 173, II. 176, III. 41-43
- Suffrage, I. 35-36, I. 43, I. 55-56, II. 8, IV. 73, V. 83-84, V. 127, V. 128
- Supreme authority, I. 12-13, I. 15, I. 42, I. 55, I. 60, III. 7, V. 63, V. 68, V. 93, V. 97, V. 105, V. 112, V. 121-122
- Supreme law, I. 74
- Syndicats* (*see* Trade unions)
- Taxation** (*see also* Customs, Public finance), I. 27-33, I. 35, I. 37-40, I. 56, I. 70, I. 72, I. 79, I. 121-122, II. 15, II. 34, II. 159, II. 173, IV. 56, IV. 130, V. 71, V. 110
- Telegraph and telephone services (*see* Communications)
- Theater, IV. 22
- Tourist traffic, I. 82-83, I. 117, II. 48
- Trade (*see also* Foreign trade, Speculation), I. 28, I. 70, I. 77-78, I. 103, I. 114-115, II. 118-119, III. 68, IV. 10, IV. 139-141, V. 22
- Trade unions (*see also* Labor front), I. 82, I. 87, I. 117-119, II. 31, II. 98-105, II. 169, III. 32-38, III. 45, III. 53-56, III. 60-62, III. 93, III. 101, IV. 106, IV. 176-177, IV. 194-195, V. 23-25, V. 126-127
- Transportation (*see also* Aviation, Railroads), I. 82-83, I. 116-117, IV. 133, V. 70, V. 91, V. 127, V. 168-170
- Treaties (*see* Foreign relations, International relations)
- Trespass, I. 69
- Trial employment, III. 48, III. 99
- Tribunals (*see also* Labor courts), I. 40, I. 45, I. 50-52, I. 66, I. 67, I. 69, II. 11, II. 113-135, V. 100-102, V. 123-124, V. 182-185

- Unemployed workers, I. 99, IV. 166
- Unemployment (*see* Employment and unemployment)
- United front (*see also* Popular Front), I. 103-105
- Usury, I. 86, I. 89, IV. 11
- Vacations with pay, I. 82, I. 118, II. 48, III. 48, III. 104-105, V. 32, V. 125
- Vehicular traffic, I. 33, I. 82-83
- Vocational education (*see also* Professional education), I. 80-81, III. 50, III. 112-113, IV. 113-116
- Wages, I. 84, I. 88-89, I. 117-119, II. 32-33, II. 82, II. 176, III. 47, III. 90-92, III. 97-98, III. 101-104, III. 106, V. 25, V. 32-33, V. 179-180
- War (*see* Peace and war)
- War profits, IV. 10
- War veterans, II. 169, IV. 28-29
- Water power (*see* Hydroelectric power)
- Waters, V. 108, V. 111
- Weights and measures, I. 34, V. 178-179
- Women, I. 79-80, I. 86, I. 94, I. 100, I. 108, I. 118-119, II. 22, II. 31, III. 18-19, III. 99, IV. 11, IV. 30-31, IV. 68, IV. 97-99, IV. 112, V. 14, V. 21, V. 31, V. 125-126, V. 184-185
- Workers' organizations, I. 82, I. 93
- Working class (*see also* Proletariat), I. 31-32, I. 70, I. 81-82, I. 84-85, I. 88, II. 48, II. 81-83, IV. 194-195, V. 7-33, V. 92
- Working hours, I. 89, I. 99-100, I. 117-119, II. 32-33, II. 48, II. 81-83, II. 176, III. 47-48, III. 94-95, III. 99-100, V. 31, V. 125
- Youth, I. 100-101, I. 108, I. 118-119, II. 169, III. 18-21, III. 24, III. 25, IV. 11, IV. 68, IV. 97-100, V. 36-37, V. 54-55, V. 175-176
- Youth organizations, III. 18-21, III. 24, IV. 25, IV. 68, IV. 108-109, IV. 113, IV. 148-151, V. 36-37, V. 53-59, V. 128

